



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
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RAYMOND G. FORTNER, JR.
County Counsel

July 13, 2005

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Agenda No. 9
04/26/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: GENERAL PLAN AMENDMENT NUMBER 03-139-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**


Dear Supervisors:

On April 26, 2005, your Board conducted a hearing on the recommendation of the Regional Planning Commission to approve an amendment to the General Plan in connection with a proposed residential development project in the Del Aire Zoned District.

At the conclusion of the hearing, you indicated an intent to approve the amendment and instructed this office to prepare the necessary resolution and exhibit map to implement that approval. Such resolution and relevant map are enclosed herein for placement on the Board's agenda for final action.

Very truly yours,

OFFICE OF THE COUNTY COUNSEL

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

EML:di
Enclosure

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
RELATING TO GENERAL PLAN AMENDMENT NUMBER 03-139-(2)**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted a public hearing in the matter of Plan Amendment No. 03-139-(2) on March 22 and April 26, 2005; and

WHEREAS, the Board of Supervisors, having considered the recommendations of the Regional Planning Commission, finds as follows:

1. The applicant has requested a Plan Amendment to the Countywide General Plan to change the land use designation from Low Density Residential to High Density Residential on the five-acre subject property;
2. The Plan Amendment request was heard concurrently with Zone Change No. 03-139-(2), Conditional Use Permit No. 03-139-(2), Variance 03-139-(2), Amendment to Development Agreement No. 87060-(2), and Conditional Use Permit No. 04-114-(2) at a public hearing before the Los Angeles Regional Planning Commission held on September 1, 2004, September 20, 2004, October 6, 2004, and November 3, 2004;
3. Zone Change No. 03-139-(2) is a related request for a change of zone from MPD (Manufacturing Planned Development) to RPD (Residential Planned Development) on the entire five-acre subject property;
4. Conditional Use Permit No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the subject property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars;
5. Variance No. 03-139-(2) is a related request to authorize lot coverage up to 55 percent on the five-acre site to accommodate the apartment development;
6. Conditional Use Permit No. 04-114-(2) is a related request to replace Conditional Use Permit No. 87-060-(2), which governs the Business Park to remove the five-acre site proposed for apartment development from a portion of the previously approved Business Park development;

7. Amendment to Development Agreement No. 87-060-(2) is a related request to sever the undeveloped five-acre site proposed for apartment development from the previously approved Business Park;
8. The subject property consists of two parcels totaling five acres. The property is located at La Cienega Boulevard and Pacific Concourse Drive, in the Del Aire Zoned District. The subject property is currently vacant with level terrain;
9. The site plan for Conditional Use Permit No. 03-139-(2) labeled Exhibit "A," depicts the irregular shaped subject property with the proposed two-building, 430-unit apartment complex. Buildings one and two are depicted as four stories with lofts at a maximum height of 60 feet. The plan also shows two swimming pools and one spa. Access to underground parking for building two is from La Cienega Boulevard to the east. Access to underground parking for building one is from Pacific Concourse Drive to the west;
10. The applicant is requesting an amendment to the Countywide General Plan to change the land use designation of the five-acre parcel from Low Density Residential to High Density Residential. The High Density Residential areas are suitable for medium and high rise apartments and condominiums, three or more stories in height. The intent of this classification is to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. Densities generally exceed 22 units per gross acre;
11. The property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan ("General Plan"). When the County originally approved Parcel Map No. 18568, CUP No. 87-060-(2), and Development Agreement No. 87-060-(2) to permit development of the Business Park, the County determined that a GPA was not required because as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than 50 acres are generally not shown." The proposed modifications to the Business Park Development Agreement and CUP (ADA No. 87-060-(2) and CUP No. 04-114-(2)) are intended to allow the continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlements at the Business Park, and do not create any inconsistencies with the General Plan. The Low Density Residential land use category allows one to six dwelling units per acre, which would permit a maximum of 30 units on the five-acre property. The proposal to create 430 units, approximately 88 dwelling units/acre, is not consistent with the density permitted under the Low Density Residential category but is consistent with the density permitted under the General Plan's High Density

Residential category, which allows densities that exceed 22 units per acre. With the Board's approval of GPA No. 03-139-(2), and after its effective date, the subject property will be depicted within the High Density Residential land use classification on the Land Use Policy Map of the General Plan;

12. The proposed plan amendment is consistent with the goals and policies of the Countywide General Plan. The proposed residential project will increase the supply of housing, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs and housing balance in the area and concentrate well-designed high-density housing in and adjacent to job centers and local transit service;
13. Approval of the proposed plan amendment is in the public interest and is in conformity with good planning practice;
14. The Board certified the Environmental Impact Report in 1987 when it originally approved the Business Park. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles to determine what additional environmental documentation would be required. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required;
15. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and cumulative impacts to traffic. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR;
16. A Mitigation Monitoring Program dated January 2005 consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project;

17. The Board has independently reviewed, considered, and certified the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Board finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project;
18. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full; and
19. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Los Angeles:

1. Has considered the Final Supplemental Environmental Impact Report ("FSEIR") prepared for the Proposed Residential Project; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project;

2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project incorporated in the FSEIR and pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation;
3. Determines that the subject amendment is compatible with and supportive of the goals and policies of the County General Plan; and
4. Adopts Plan Amendment No. 03-139-(2) amending the Land Use Policy Map of the Countywide General Plan as shown on the map attached to this resolution.

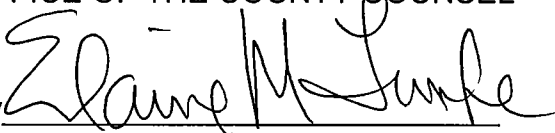
The foregoing resolution was on the ____ day of _____, 2005, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which the Los Angeles County Board of Supervisors so acts.

VIOLET VARONA-LUKENS, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

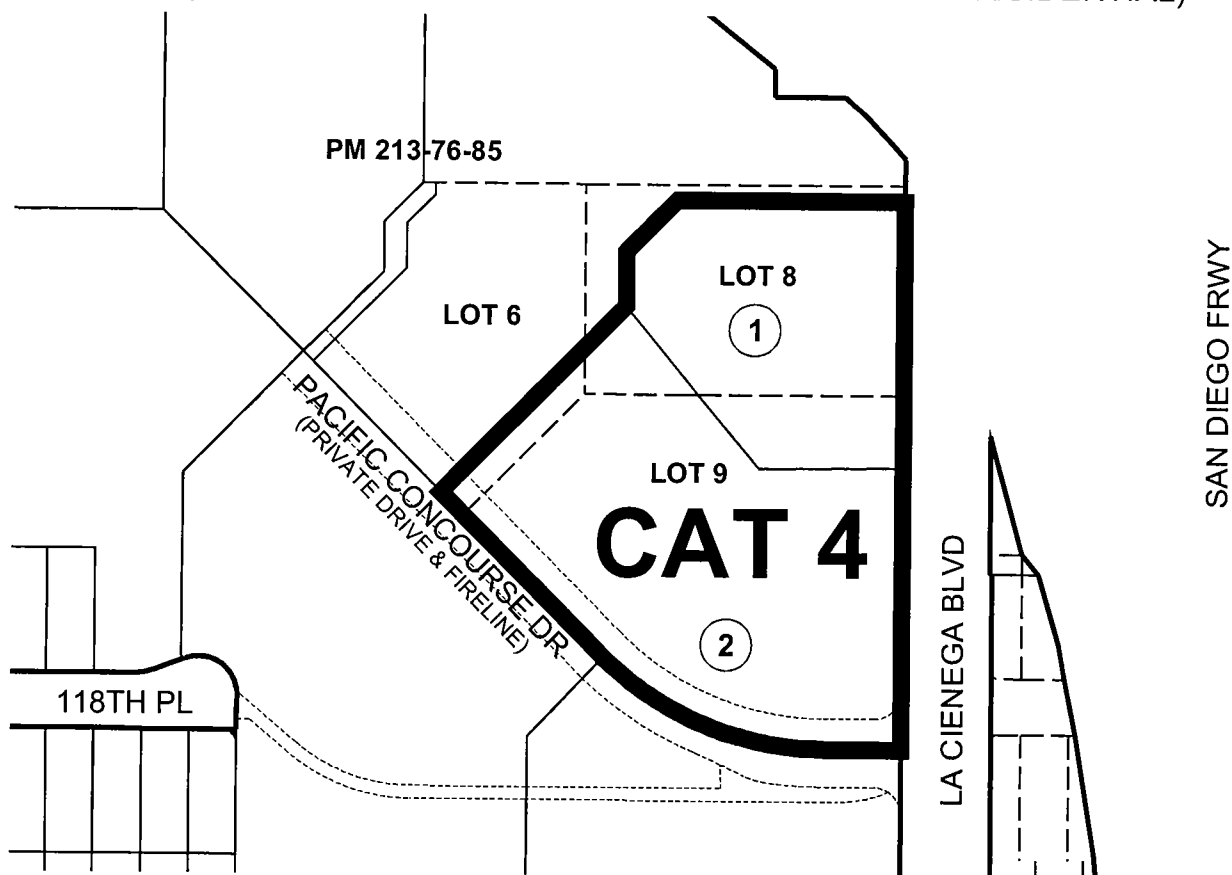
By 
Deputy

AMENDMENT TO COUNTYWIDE GENERAL PLAN
DEL AIRE COMMUNITY

PLAN AMENDMENT: 03-139-(2)

ON: _____

CATEGORY 1 to CATEGORY 4
(LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL)



LEGAL DESCRIPTION:

PARCEL 1 AND PARCEL 2 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT No. 102-090 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED JULY 11, 2003 AS DOCUMENT No. 03-1990786 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

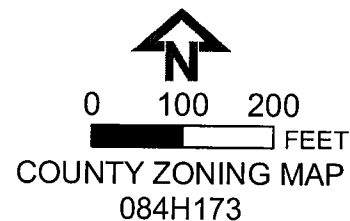
- ① PARCEL 2, C of C & LLA No. 102-090
② ——— PARCEL 1, C of C & LLA No. 102-090

DIGITAL DESCRIPTION: \ZCO\ZD_DEL_AIRE\

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
WAYNE REW CHAIR
JAMES E. HARTL PLANNING DIRECTOR

LEGEND:

- PLAN AMENDMENT AREA
□ PARCELS
— STREET / RIGHT OF WAY
--- LOT LINE
--- CUT/DEED LINE
--- EASEMENT LINE





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Agenda No. 9
04/26/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


Re: **CONDITIONAL USE PERMIT NUMBER 03-139-(2)**
VARIANCE NUMBER 03-139-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit and variance by which the applicant is proposing to construct a residential development on the subject property consisting of 430 dwelling units, together with appurtenant structures and facilities, including pools, spas, a fitness center, subterranean parking, lighting, fencing, landscaping, roadways, and related infrastructure and variance. At the conclusion of the hearing, you indicated an intent to approve the permit and variance with revised conditions and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

EML:di
Enclosures

HOA.298432.1

**FINDINGS OF THE BOARD OF SUPERVISORS AND ORDER
CONDITIONAL USE PERMIT NUMBER 03-139-(2)
VARIANCE NUMBER 03-139-(2)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on Conditional Use Permit ("CUP"), Variance, Zone Change and General Plan Amendment ("GPA") No. 03-139-(2) on March 22 and April 26, 2005. These cases were heard concurrently with CUP No. 04-114-(2) and Amendment to Development Agreement ("ADA") No. 87-060-(2) for the Del Aire Business Park ("Business Park").
2. The Los Angeles County Regional Planning Commission previously conducted a duly noticed public hearing on CUP, Variance, Zone Change and GPA No. 03-139-(2) on September 1, September 20, October 6, and November 3, 2004. These applications were heard concurrently with CUP No. 04-114-(2) and ADA No. 87-060-(2).
3. The applicant, TCR Southern California II, Inc. ("Applicant"), is proposing to construct a residential development on the subject property consisting of 430 dwelling units, together with appurtenant structures and facilities, including pools, spas, a fitness center, subterranean parking, lighting, fencing, landscaping, roadways, and related infrastructure (the "Proposed Residential Project"). The construction will require grading and off-site transport of more than 100,000 cubic yards of earth.
4. The Proposed Residential Project site lies within the Pacific Concourse Business Park, also known as the Del Aire Business Park, which the County previously approved in 1987 to allow development of 1,500,000 square feet of business park uses. To date, 701,000 square feet of business park uses have been developed.
5. A CUP is required to ensure compliance with the requirements of the proposed Residential Planned Development zone pursuant to Section 22.20.460 of the Los Angeles County Code ("County Code") and to ensure compliance with the grading and off-site transport requirements set forth in Section 22.56.210 of the County Code.
6. The subject property is located at the intersection of La Cienega Boulevard and Pacific Concourse Drive in the Del Aire Zoned District.
7. The subject property contains more than five gross acres including relevant parcels and easements and is irregular in shape with level topography. The site is currently vacant. The subject property consists of two parcels. Parcel 1 is 3.19 acres in size; Parcel 2 is 1.72 acres in size, with a new fire lane easement of 0.5 acres.

8. The subject property is currently zoned Manufacturing Planned Development ("MPD"). Concurrent with the approval of CUP No. 03-139-(2), however, the Board is approving the Zone Change, and after its effective date, the subject five-acre property will be zoned RPD-88u (Residential Planned Development – 88 dwelling units per acre). The Residential Planned Development ("RPD") designation will ensure that development occurring after the property has been rezoned will conform to plans submitted by the Applicant during the CUP approval process.
9. Surrounding zoning is MPD to the north, west, and south. To the east of the site is La Cienega Boulevard, the I-405 Freeway, and the City of Hawthorne.
10. The existing land uses to the north, west, and south of the site are part of the Business Park. These Business Park uses include the Airport Branch of the Los Angeles County Superior Court and associated parking to the north and northwest, and office uses to the west and south. Single-family uses are located beyond the office uses to the west and south.
11. The exiting MPD zoning of the subject property was established in connection with the prior Business Park approvals. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the subject property has remained undeveloped. Since that time, the need for housing in the area and within the region has increased. The current MPD zoning does not allow multi-family residential uses, and thus does not address the needs of the Proposed Residential Project. The requested zone change will allow for much-needed housing located near existing jobs and public transit, and will be compatible with the nearby uses, including light industrial/commercial and single-family uses.
12. The Proposed Residential Project is consistent with the requested RPD zoning classification, except that a Variance (No. 03-139-(2)) from the 50 percent building coverage development standard that would otherwise apply is required to allow for building coverage of up to 55 percent. Pursuant to Section 22.20.460 of the County Code, property in an RPD zone may be used for a planned residential development that will afford the same or lesser density of population or intensity of use than is specified in the zone, subject to the conditions and limitations of a CUP.
13. As required by Section 22.20.460 of the County Code, the subject property contains more than five acres, including relevant parcels and easements. The Proposed Residential Project constitutes an orderly extension of development in the arrangement of buildings, facilities, and open space throughout the combined parcels of land.

14. The property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan ("General Plan"). When the County originally approved Parcel Map No. 18568, CUP No. 87-060-(2), and Development Agreement No. 87-060-(2) to permit development of the Business Park, the County determined that a GPA was not required because as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than 50 acres are generally not shown." The proposed modifications to the Business Park Development Agreement and CUP (ADA No. 87-060-(2) and CUP No. 04-114-(2)) are intended to allow the continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlements at the Business Park, and do not create any inconsistencies with the General Plan. The Low Density Residential land use category allows one to six dwelling units per acre, which would permit a maximum of 30 units on the five-acre property. The proposal to create 430 units, approximately 88 dwelling units/acre, is not consistent with the density permitted under the Low Density Residential category but is consistent with the density permitted under the General Plan's High Density Residential category, which allows densities that exceed 22 units per acre. Concurrent with this approval, however, the Board is approving GPA No. 03-139-(2), and after its effective date, the subject property will be depicted within the High Density Residential land use classification on the Land Use Policy Map of the General Plan. The Proposed Residential Project will increase the supply of housing, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs-housing balance, and concentrate well-designed high-density housing in and adjacent to job centers and local transit service. The Proposed Residential Project is consistent with the goals and policies of the General Plan.
15. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Within the County generally, the Regional Housing Needs Assessment states that more than 51,000 units of housing were needed for 1998-2005 in the unincorporated County. The zoning capacity was analyzed as 32,157 units, and the most recent number for actual buildout was just 5,300 units. The need for housing in the County covers all income levels. In sum, there is a need for tens of thousands of housing units for the County's growing population, which needs additional housing stock to help avoid overcrowding and long travel distances. The Proposed Residential Project will provide workforce housing for professionals and others who may fill the jobs in the area, and it will provide housing near employment centers, public transit and major freeways. The proposed housing is also consistent with the goals and policies of the Green Line Transit Oriented District.

16. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the subject property has remained undeveloped. The current Low Density Residential designation would permit only single-family housing units, which would be inconsistent with the surrounding development. A high density residential development would be consistent with the character of the adjacent uses and would provide much-needed housing.
17. Approval of CUP No. 03-139-(2) will become effective upon the Board's adoption of an ordinance effecting the proposed change of zone to RPD, the proposed GPA to change the land use category to High Density Residential, the proposed ADA No. 87-060-(2) to remove the subject site from the Development Agreement, CUP No. 04-114-(2), which will replace CUP No. 87-060-(2) and remove the subject site from CUP No. 87-060-(2) and Variance No. 03-139-(2) to allow a deviation from the building coverage requirements for areas zoned RPD.
18. The Applicant's site plan ("Exhibit A") depicts 430 residential units and community facilities, including an office, lounge, lobby, fitness center, business center, media room, and conference room in two buildings each four stories tall, occupying approximately 450,000 square feet. The proposed residential community will include studio, one bedroom, two bedroom, and three bedroom units ranging in size from approximately 500 square feet to approximately 1,500 square feet. Consistent with County Code requirements for residential projects in areas not zoned RPD, a total of 805 parking spaces, including guest parking, for the proposed 430 units will be provided. There is a gated entry leading to subterranean parking for one building from La Cienega Boulevard and a gated entry leading to subterranean parking for the other building from Pacific Concourse Drive. Guest parking spaces are provided within the gated entry areas in each building. Access to the Proposed Residential Project shall be provided from La Cienega Boulevard and Pacific Concourse Drive.
19. The proposed use is subject to all applicable development standards and requirements of the RPD zone, as set forth in Section 22.20.460 of the County Code, except as otherwise permitted by Variance No. 03-139-(2).
20. In compliance with Zone Change No. 03-139-(2), the Proposed Residential Project does not exceed 88 units per net acre.
21. Section 22.20.460 of the County Code requires parking to be provided within areas zoned RPD as required to prevent traffic congestion and excessive on-street parking with a minimum of one parking space per unit. As a result of comments received during the public hearings, the Applicant will instead comply with Code requirements for multi-family projects in non-RPD zones, resulting in a total of 805 parking spaces for the 430 units, including guest parking.

22. The Proposed Residential Project with the attached conditions of approval will comply with all applicable requirements of Section 22.20.460 of the County Code as set forth below:
- a. The Proposed Residential Project is located on an approximate five-acre site. The number of units within the Proposed Residential Project shall not exceed 430;
 - b. Open space shall comprise not less than 30 percent of the net area, including common open space areas developed for recreational purposes;
 - c. The parking required shall be calculated based on Section 22.52.1180 of the County Code for the number and type of units provided as follows: each studio and studio loft unit, one covered parking space; each one-bedroom and one-bedroom loft unit, one and one-half covered parking spaces; each apartment containing two or more bedrooms, two covered parking spaces. In addition, one standard parking space shall be provided for every four dwelling units. Based on these requirements, 805 parking spaces shall be provided for the 430 residential units;
 - d. The Applicant shall submit evidence that it has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived by the planning director where it would cause undue hardship or constitute an unreasonable requirement; and
 - e. All open-space related to the construction of the residential dwelling units shall be developed and made available prior to the final occupancy clearance for the Proposed Residential Project.
23. The Applicant has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
24. The Proposed Residential Project is a luxury residential project intended to meet a housing demand in the area for professionals and individuals seeking such housing and is intended to be compatible with the adjacent Business Park and single-family residential neighborhood.

25. The Proposed Residential Project will be subject to covenants, conditions and restrictions for the Business Park, which, among other things, control and guide the development and use of the Proposed Residential Project site by encouraging the construction of attractive and functional improvements for the protection of individual property values, encourage the erection of attractive, high quality improvements, ensure the proper maintenance of the improvements, and insure the proper development of the Proposed Residential Project site as a business/office park that includes multi-family residential uses. The covenants, conditions and restrictions will also require the Applicant to maintain the property in good condition.
26. The Applicant has represented that it has constructed approximately 170,000 and manages approximately 60,000 housing units nationally. Materials submitted and presented by the Applicant, including photographs and floor plans, illustrate projects of comparable type and quality to the Proposed Residential Project. These projects include the nearby Alexan Fontaine project on Glencoe Avenue in the City of Los Angeles. The Applicant has indicated that it will use best efforts to maintain the same level of quality as in the Alexan Fontaine project.
27. Development Agreement No. 87-060-(2) for the Business Park references the Consent Decree entered into by the parties in a 1972 case, *Keith v. Volpe*, regarding the Century Freeway. The Consent Decree was entered into in 1979 and has been amended since then. The current operative Consent Decree was amended in 1997. The General Counsel of Century Housing Corporation, the entity responsible for implementing the Consent Decree, has stated that the Consent Decree does not prohibit the Proposed Residential Project. County Counsel, having reviewed the operative Consent Decree, also advised the Board that the Consent Decree does not prohibit the Proposed Residential Project.
28. A variance is required to ensure compliance with building coverage requirements of the proposed Residential Planned Development zone pursuant to Section 22.20.460B5 of the County Code.
29. Special circumstances support the granting of the Variance. The subject site has been vacant for many years. The other parcels in the Business Park largely have been developed to include light industrial, research and development, and commercial uses, as well as a County courthouse. The Proposed Residential Project has been carefully designed to complement the surrounding uses and will include amenities such as a clubhouse and fitness center to provide on-site recreational facilities. The irregular shape of the remaining Business Park site limits the potential design of the Proposed Residential Project. Further, unlike the other properties in the Business Park, the Proposed Residential Project site is completely bounded by roads (Pacific Concourse Drive and La Cienega) and other access ways. Other than a portion of Pacific Concourse Drive, however, the owner of the Proposed Residential Project site does not own the access

ways surrounding the property, which are proposed to be used as circulation for the Proposed Residential Project. Surrounding properties within the Business Park, including those neighboring the subject site, have already been developed and include on-site, privately-owned circulation and parking lots, all of which count as open space when calculating lot coverage. Although these neighboring sites are permitted to count privately-owned access and circulation areas towards the open space requirement, the subject site cannot.

30. The Variance is necessary to preserve a substantial property right of the Applicant which is possessed by neighboring property owners. Pursuant to the previous CUP and Development Agreement adopted for the Business Park in 1987, all of the properties within the Business Park are currently subject to a 50 percent lot coverage requirement, which applies on a site wide basis. The Business Park approvals contain no parcel-by-parcel or property-specific lot coverage requirement. The County Code limits lot coverage within the MPD zone to 60 percent. Therefore, as long as the site-wide cap is not exceeded, the individual Business Park properties may exceed 50 percent lot coverage up to the limitations of the County Code. To date, total site coverage within the Business Park (excluding the Proposed Residential Project site) is approximately 180,000 square feet over 25 acres, which falls well below 50 percent lot coverage. Any of the surrounding Business Park properties, therefore, have a right to exceed 50 percent lot coverage without exceeding the site-wide cap. The requested Variance is necessary to preserve the current right to exceed 50 percent lot coverage at the Proposed Residential Project site.
31. The Proposed Residential Project will complement the existing office, courthouse, and single-family residential uses in the immediate vicinity. The Applicant has reduced the lot coverage of the Proposed Residential Project by proposing subterranean parking and four-story apartment buildings, and the Proposed Residential Project will include attractively landscaped courtyards and other open spaces. The Proposed Residential Project represents a significant reduction in density from the uses that were contemplated by the approved Business Park entitlements for the subject site.
32. Approval of a minor variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone because it is a minor deviation and because it is only necessary if the surrounding easement areas are not counted towards the open space requirement. Moreover, as the surrounding Business Park properties are only subject to a 50 percent lot coverage limitation on a site-wide basis and are otherwise subject to a 60 percent property-specific lot coverage requirement, the Variance would neither be inconsistent with the requirements of the surrounding properties nor impact the ability of the Business Park properties to comply with those requirements.

33. Approval of Variance No. 03-139-(2) will become effective upon the Board's adoption of an ordinance effecting the proposed change of zone to RPD, the proposed GPA to change the land use category to High Density Residential, the proposed ADA No. 87-060-(2) to remove the subject site from the Development Agreement, CUP No. 04-114-(2), which will replace CUP No. 87-060-(2) and remove the subject site from CUP No. 87-060-(2), and CUP No. 03-139-(2).
34. The County determined when approving Development Agreement No. 87-060-(2) that it was consistent with the General Plan. The proposed ADA No. 87-060-(2) will remove the subject property from the Development Agreement. The Proposed Residential Project will be consistent with the General Plan as amended.
35. At its public hearing conducted on March 22 and April 26, 2005, the Board received oral testimony and written comments from the proponents and the opponents. At the first public hearing session, eight persons testified in favor of the Proposed Residential Project; nine persons testified in opposition. The Board then closed the public hearing as to comments on the environmental documentation and directed County staff to report back to the Board regarding a construction mitigation plan for the Proposed Residential Project, additional metered parking spaces along La Cienega Boulevard and additional efforts by the Applicant to further resolve issues with neighbors; to return with further documentation regarding easements and development agreement changes; and to report back on the Century Freeway consent decree and the procedure for converting the proposed apartments to condominiums. Staff prepared a written report dated April 20, 2005, responding to the Board. At the second public hearing session, four persons testified in favor and 13 persons testified in opposition. Concerns included traffic, density, airport noise, impacts to public services (including schools, parks and recreation, and police), and parking.
36. The Board certified the Environmental Impact Report in 1987 when it originally approved the Business Park. An Initial Study was prepared for the Proposed Residential Project which included analysis regarding the severance of the proposed residential development from the Business Park in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles to determine what additional environmental documentation would be required. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.

37. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
38. Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.
39. The Board finds that the Proposed Residential Project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code.
40. The SEIR for the Proposed Residential Project has been prepared in accordance with CEQA, the CEQA Guidelines, and the County CEQA Guidelines. The Final SEIR consists of the Draft SEIR dated June 2004, the Technical Appendices to the Draft SEIR dated June 2004, the Final Environmental Impact Report prepared for the Del Aire Business Park dated August 1987, and the Responses to Comments (collectively referred to as the "FSEIR"). Recirculation of the SEIR was not required, as no new significant information, as defined by California Code of Regulations, Title 14, section 15088.5, was added to the SEIR after public notice of the Draft SEIR was given.
41. A Mitigation Monitoring Program dated January 2005 consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project.
42. The Board has independently reviewed, considered, and certified the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Board finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project.

43. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
44. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

WITH RESPECT TO CONDITIONAL USE PERMIT NUMBER 03-139-(2):

- A. The proposed uses and grading, with the attached conditions and restrictions, will be consistent with the adopted General Plan;
- B. With the attached conditions and restrictions, the requested use and grading at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such uses would generate, and by other public or private service facilities as are required;
- E. The Proposed Residential Project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard;
- F. The development program submitted provides necessary safeguards to insure completion of the proposed development by the permittee, forestalling substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area; and
- G. The Proposed Residential Project has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character.

WITH RESPECT TO VARIANCE NUMBER 03-139-(2):

- A. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. The requested Variance is necessary for the preservation of a substantial property right of the Applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. The requested Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Approves the FSEIR prepared for the Proposed Residential Project; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the Proposed Residential Project and its severance from the Business Park; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project;
- 2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project incorporated in the FSEIR, and pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation;
- 3. Approves CUP No. 03-139-(2) subject to the attached conditions; and
- 4. Approves Variance No. 03-139-(2) subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 03-139-(2)
VARIANCE NUMBER 03-139-(2)

1. This grant authorizes the construction, operation, and maintenance of 430 residential units and appurtenant facilities, including grading in excess of 100,000 cubic yards, and lot coverage of up to a maximum of 55 percent, as depicted on the approved Exhibit "A" on file at the Los Angeles County Department of Regional Planning ("Department"). The grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or entity making use of this grant.
3. The grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the Department their affidavit that they are aware of, and agree to accept, all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9 and 10. Further, this grant shall only become effective upon the Los Angeles County Board of Supervisors ("Board") adoption of Plan Amendment No. 03-139-(2) and Zone Change No. 03-139-(2), and once an ordinance effecting such change of zone has become effective.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceedings against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit on the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of the initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by permittee according to Section 2.170.010 of the Los Angeles County Code ("County Code").

6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least six months before the expiration date. This grant will be considered used, within the intent of this condition, upon the commencement of development upon the project site consisting of grading pursuant to an approved grading plan.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be voidable and the privileges granted hereunder may lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the subject property.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 annual inspections of the site. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible

for and shall reimburse the Department for all additional inspections and any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection). If no violations are found during the inspection period, no additional inspection fees will be required.

10. Within 15 calendar days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount for a case where an environmental impact report is required is \$875.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the apartment complex or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or nonprofit organization. In the event such prohibited extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. Within 60 days of approval of this grant, the permittee shall submit to the Director of the Department ("Director") for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing that depict the proposed fencing and gates between the subject property and the Courthouse. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
17. Prior to issuance of a certificate of occupancy for the project, the permittee shall submit to the Director for approval three copies of sign elevations depicting any proposed permanent signs on the subject property. Signs shall be in conformance with Part 10 of Section 22.52 of the County Code.
18. Three copies of a landscape plan shall be submitted to and approved by the Department's staff Biologist and the Director before issuance of a building permit. The landscape plan shall show the size, type, and location of all plants, trees and watering facilities. The landscape plan may be incorporated into the revised site plan required in Condition No. 16. All required landscaping shall be continuously maintained in good condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary.
19. The permittee shall comply with the attached Mitigation Monitoring Program. The applicant shall deposit the sum of \$3,000 with the Department to defray the cost of reviewing and verifying the information contained in the required Mitigation Monitoring Reports. This deposit is due and payable within 30 days of the approval date of this grant.
20. Within 180 days of approval of this grant, the permittee shall submit to the Director for review and approval a progress schedule which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made.
21. The construction, operation, and maintenance of the apartment complex is subject to all the following conditions:
 - a. The permittee shall maintain all areas of the premises in a neat and orderly fashion, free of litter and debris;
 - b. All new utilities provided for the apartment complex shall be underground;
 - c. Roof-top mechanical equipment such as air conditioning units shall be screened from pedestrian view;

- d. The permittee, its successors and assigns, acknowledge that the Courthouse building and grounds are lighted on a daily and nightly basis for operational and security reasons and will fully disclose this fact to potential lessees in its lease agreements;
- e. A minimum of 805 automobile parking spaces, of which 108 are reserved for guests, shall be provided and maintained pursuant to Section 22.52.1180 of the County Code. The required parking shall be continuously available for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use;
- f. The permittee shall post signage at appropriate locations in the Courthouse parking lot and at the entrance to the Courthouse parking structure adjacent to the project indicating "Courthouse Parking Only." Such signage shall be reviewed and approved by the Director prior to posting;
- g. The permittee shall erect a fence along the entire property line between the proposed project and the Courthouse property to discourage tenants and visitors, as well as Courthouse visitors and employees from crossing over and walking through either of the adjacent properties as a "short cut." The fence shall have a number of locked gates at intervals to provide emergency egress;
- h. During construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the County Code regarding building construction noise;
- i. To reduce construction traffic, grading and construction equipment shall be stored on the project site while in use, to the extent feasible;
- j. If the site is graded and left undeveloped for over three weeks, the permittee shall employ various methods to inhibit dust generation including seeding, watering, spreading soil binders, and other dust suppression methods. Dust generated by project construction shall be kept on-site through the use of dust control measures, including watering or sprinkling the site at least twice daily or as necessary, covering or watering exposed pits, erecting dust fences, tarping debris transport trucks, and/or other measures as appropriate;
- k. All improvements shall be completed prior to the final certificate of occupancy for the project;

- I. The permittee shall comply with the conditions of the County of Los Angeles Fire Department as outlined in their memorandum dated July 2, 2004, on file at the Department, as follows:
 - i. Access and water system (fire flow and fire hydrants) requirements are addressed by the Department's Engineering Section. Contact Marion Jaikowski at the Department's Hawthorne Fire Prevention Office at (310) 263-2732 regarding this project;
 - ii. Fire hydrant locations will be addressed by the Department's Engineering Section; and
 - iii. Access requirements will be addressed by the Department's Engineering Section.
- m. The permittee shall comply with the following conditions to the satisfaction of the County of Los Angeles Department of Public Works:
 - i. The most northerly proposed driveway on La Cienega Boulevard near Building two shall be restricted to right-turn in and out with no median opening. The existing median may need to be reconstructed;
 - ii. Provide adequate sight distance on La Cienega Boulevard from the proposed driveway(s) to the subterranean parking structure. Also, provide adequate landing area on the driveway(s) at La Cienega Boulevard;
 - iii. Comply with the following street lighting requirements:
 - 1. Submit street lighting layout plan showing existing street lights fronting this property on La Cienega Boulevard. Additional street lights may be required on La Cienega Boulevard along the property frontage;
 - 2. If additional street lights are required upon Conditional Use Permit ("CUP") approval, the permittee shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$27,000 or to the satisfaction of Public Works. The permittee shall comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy; and

3. All street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, and all street lights in the project or approved project phase have been energized, and the developer has requested a transfer of billing at least by January 1 of the previous year, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.
 - iv. Relocate the gate on the fire lane fronting La Cienega Boulevard a minimum of 40 feet beyond the right of way to allow for two vehicles to queue;
 - v. Plant street trees on La Cienega Boulevard;
 - vi. Underground all new utility lines;
 - vii. Provide signing and striping plans on La Cienega Boulevard along the property frontage and at the intersection of La Cienega Boulevard and Pacific Concourse Drive;
 - viii. Comply with the mitigation measures identified in the March 15, 2004, memorandum from the Traffic and Lighting Division on file at the Department.
 - n. Prior to issuance of building permits the applicant shall pay all required library and school mitigation fees; and
 - o. The permittee shall maintain a current contact name, address, and phone number on file with the Department at all times.
22. The permittee shall cooperate with Pacific Concourse Business Park property owners, including any representative body in efforts to manage on-site parking for the Courthouse to minimize overflow on-street parking within the Del Aire Neighborhood; provided, however, that any such cooperation shall not cause any shortage of parking for the residential uses permitted by this permit. In connection with such efforts, permittee shall be required to contribute up to \$10,000 as determined by the County towards any identified mitigation measures.

23. Upon issuance of a building permit, the permittee shall make a contribution to the Wiseburn School District in an amount not to exceed \$66,500 to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School. The permittee shall provide verification to the Director at such time that this occurs.
24. The permittee shall contribute a total of \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District, as follows. Upon issuance of the first certificate of occupancy for the project, the permittee shall contribute \$25,000 to the Wiseburn School Educational Foundation. Thereafter, the permittee shall make annual contributions of \$25,000 for two years on the anniversary of the issuance of the first certificate of occupancy. The permittee shall provide verification to the Director at such time that this occurs.
25. The permittee shall contribute a total of \$30,000 to a trust fund specifically and exclusively used by the Wiseburn Library to incorporate and maintain extracurricular activities for children, as follows. Upon issuance of the first certificate of occupancy for the project, the permittee shall contribute \$10,000 to the Wiseburn Library trust fund. Thereafter, the permittee shall make annual contributions of \$10,000 for two years on the anniversary of the issuance of the first certificate of occupancy. The permittee shall provide verification to the Director at such time that this occurs.
26. Upon acceptance of this grant by the permittee, the Director or his designee shall appoint members of a Community Benefits Committee. The Committee shall consist of seven members who will identify issues of community concern related to the development and operation of the Alexan Pacific Concourse (CUP No. 03-139-(2)) and who will allocate funds set aside by the permittee for the benefit of the community to address those issues. Appointees shall be subject to confirmation by the Supervisor of the Second Supervisorial District, if requested by the Director.

The Committee shall be composed of persons who reside or own businesses in the vicinity of the project. At least three members shall reside in the vicinity of the project, two members shall own or operate businesses within the vicinity of the project, one member shall represent area schools, and one member shall represent the permittee. In addition, the Supervisor of the Second Supervisorial District shall appoint a liaison between the Committee and the Director.

Upon issuance of a building permit, the permittee shall deposit a total of \$150,000 ("Neighborhood Benefits Fund") into an interest-bearing escrow account to be established by the County through the Director. Neighborhood Benefits Fund expenditures may be proposed by the Committee and must be approved by the Second Supervisorial District. Neighborhood Benefits Fund expenditures may be made for the following purposes:

- a. Traffic Concerns. The Committee may allocate funds to conduct a traffic study for the Del Aire neighborhood to identify potential traffic calming measures (such as signage, speed bumps, and/or street closures), to improve existing medians adjacent to the Del Aire neighborhood, and to address planned or proposed openings of medians;
- b. Parking Concerns. The Committee may allocate funds to identify potential ways to address Del Aire neighborhood parking concerns, including permit parking and limitations on commercial and overnight parking;
- c. Neighborhood Security Concerns. The Committee may allocate funds to address neighborhood security concerns, including pedestrian access between the Pacific Concourse Business Park and the Del Aire neighborhood, release of prisoners from the Airport Courthouse, communication with the Sheriff's Department to address neighborhood security concerns, and private security patrol within the Del Aire neighborhood;
- d. Parks and Recreation/Day Care. The Committee may allocate funds to modernize Del Aire Park (such as landscaping improvements and equipment replacement or repair) and to support the Del Aire Park day care service. At least \$50,000 of the Neighborhood Benefits Fund shall be earmarked to modernize Del Aire Park.

For the first three years of this grant, the Committee shall meet at least on a semi-annual basis, designate a member to prepare and submit minutes to the Department, and keep a log of all expenditures. Meetings shall be conducted in accordance with generally accepted meeting protocol. The escrow instructions for the Neighborhood Benefits Fund shall provide that any funds not expended within three years following the establishment of the Fund shall be expended as instructed by the Director at the direction of the Second Supervisorial District. The Committee shall be dissolved as soon as all Neighborhood Benefits Funds have been expended.

27. Permittee shall submit a construction mitigation plan for review and approval by the Department prior to issuance of a grading permit. At a minimum, the construction mitigation plan shall contain the following provisions:
- a. Permittee shall limit the use of Pacific Concourse Drive by construction vehicles between the hours of 7:30 a.m. to 8:30 a.m., and 11:30 a.m. to 1:30 p.m., Monday through Friday. At all times between 7:00 a.m. and 6:00 p.m., Monday through Friday, at least one lane in each direction along Pacific Concourse Drive shall remain open. Access along Pacific Concourse Drive may not be completely blocked at any time between 7:00 a.m. and 6:00 p.m. Monday through Friday. If access along Pacific Concourse Drive must be blocked at any other time, Permittee shall provide notice to all permittees of CUP No. 04-114-(2) ten calendar days prior to such blockage.
 - b. Between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, construction vehicles and activities shall not interfere with the 28-foot wide driveway within the Courthouse fire lane.
 - c. Permittee shall ensure that emergency access within Pacific Concourse Drive and the Courthouse fire lane is maintained at all times.
 - d. Permittee shall provide flagmen as needed to direct traffic along Pacific Concourse Drive, La Cienega, and the Courthouse driveway during construction. At a minimum, Permittee shall provide flagmen during the hours of 7:30 a.m. to 8:30 a.m., and 11:30 a.m. to 1:30 p.m. to give priority ingress and egress to Business Park personnel and visitors, including jurors, over construction-related vehicles.
 - e. Permittee shall notify all permittees of CUP No. 04-114-(2) ten working days prior to any disruptions in utility services associated with construction; Permittee shall work with the permittees of CUP No. 04-114-(2) to accommodate reasonable requirements to reschedule the planned disruption; and Permittee shall use best efforts to ensure that such interference not occur during the hours of 6:00 a.m. through 6:00 p.m., Monday through Friday and at other times shall be subject to any scheduling requirements of such permittees.
28. Permittee shall incorporate the construction mitigation plan approved by the County pursuant to Condition No. 28 into a private agreement among and enforceable by the permittees of CUP No. 04-114-(2).

29. Prior to issuance of a grading permit permittee shall satisfy the following:
- a. The recordation in the Official Records of Los Angeles County of the following:
 - i. An easement deed accepted by the County granting an easement under Pacific Concourse Drive to the County for sanitary sewer purposes;
 - ii. A resolution adopted by the Board setting aside County-owned property for sanitary sewer purposes;
 - iii. An easement deed from the County granting two house lateral sewer easements to permittee;
 - iv. An easement deed by the County of Los Angeles granting an easement for emergency ingress and egress over the driveway on the Airport Courthouse property for the benefit of permittee;
 - v. An amendment to the Deed and Easement Agreement dated April 11, 1997, and recorded as Instrument No. 97-6446657;
 - vi. The Second Amendment to Development Agreement No. 87-060-(2);
 - vii. The Second Amended and Restated Declaration of Protective Covenants for the Pacific Concourse Business Park; and,
 - b. Permittee shall submit a revised map depicting the location of monument signs in relation to the proposed area to be rezoned RPD to the satisfaction of the Director; and
 - c. Pursuant to Condition No. 28, permittee shall submit the proposed construction mitigation plan for review and approval by the Department.

**PACIFIC CONCOURSE
AND
DEL AIRE BUSINESS PARK**

**MITIGATION
MONITORING
PROGRAMS**

**VARIANCE NO. 03-139
CONDITIONAL USE PERMIT NO. 03-139
GENERAL PLAN AMENDMENT NO. 03-139
ZONE CHANGE NO. 03-139
AMENDMENT TO DEVELOPMENT AGREEMENT NO. 87-060
CONDITIONAL USE PERMIT NO. 04-114
SCH NO. 2004011108**

**County of Los Angeles Department of Regional Planning
Los Angeles, California 90012**

January 2005

PACIFIC CONCOURSE

**MITIGATION
MONITORING
PROGRAM**

VARIANCE NO. 03-139
CONDITIONAL USE PERMIT NO. 03-139
GENERAL PLAN AMENDMENT NO. 03-139
ZONE CHANGE NO. 03-139
AMENDMENT TO DEVELOPMENT AGREEMENT NO. 87-060
CONDITIONAL USE PERMIT NO. 04-114
SCH NO. 2004011108

Prepared for:

County of Los Angeles
Department of Regional Planning (Impact Analysis)
320 West Temple Street
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Prepared by:

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803 Camarillo Springs Road, Suite A
Camarillo, California 93012

January 2005

MITIGATION MONITORING PROGRAMS

INTRODUCTION

These Mitigation Monitoring Programs for the Pacific Concourse apartment project (Table 1) and the Del Aire Business Park project (Table 2) describe the procedures the applicant and others will use to implement the mitigation measures adopted in connection with the approval of the proposed projects and the methods of monitoring such actions. A monitoring program is necessary only for impacts that would be significant if not mitigated. The following consists of a monitoring program table applicable to the Pacific Concourse apartment project, which is located within the Del Aire Business Park project, noting the responsible agency for mitigation monitoring, the schedule, and a list of all project-related mitigation measures.

PURPOSE

The Mitigation Monitoring Programs (MMP) have been prepared in conformance with Section 21081.6 of the California Environmental Quality Act. It is the intent of these programs to (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation; (3) provide a record of the Monitoring Programs; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes wherever feasible.

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	Enforcement Agency	Status
4.2	TRAFFIC & CIRCULATION				
4.2-1	To minimize potential conflicts between construction activity and through traffic, the applicant shall prepare and submit a construction traffic control plan to the County Department of Public Works for review and approval. The plan must identify all traffic control measures, signs, and delineators to be implemented by the construction contractor during the duration of site preparation and construction activity. Measures likely to be used include, but are not limited to, the following:	Trammel Crow Residential (TCR) or Subsequent Owner/Operator and Construction Contractor	Approval of Final Construction Traffic Control Plan and Field Verification	1. LACDPW 2. LACDPW 3. Prior to issuance of Grading Permits	
	<ul style="list-style-type: none">In areas where traffic control necessitates, the contractor would provide, post, and maintain "No Parking" and "No Stopping" signs, as directed by the County Public Works Department;Flagmen would be posted as needed to direct traffic during construction activity;No travel lane would be less than 10 feet wide; and"Construction Ahead" and appurtenant signs are to be placed 1,000 feet in advance of all approaches to the project area, for the duration of construction.				

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	Enforcement Agency Monitoring Phase Status		
4.2	TRAFFIC & CIRCULATION					
4.2-2	Aviation Boulevard and El Segundo Boulevard: The applicant shall pay a fair share towards improvements to both approaches of El Segundo Boulevard, which is located in the City of El Segundo. The eastbound approach shall be modified by converting the existing right-turn only lane to a shared through/right-turn lane. An additional through lane should be constructed for westbound traffic. Some of these improvements may require the acquisition of additional rights-of-way.	TCR or Subsequent Owner/Operator	Receipt of Fair Share Funding and Field Inspection	1. LACDPW 2. LACDPW 3. Prior to issuance of building permits		
4.3	NOISE					
4.3-1	The Proposed Residential Project shall incorporate dualpane windows into the design of all proposed residential structures.	TCR or Subsequent Owner/Operator and Construction Contractor	Building Plan Check and Field Inspection	1. LACDPW, Building and Safety Division 2. LACDPW, Building and Safety Dept. 3. Prior to issuance of Certificate of Occupancy		

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	Enforcement Agency Monitoring Agency		
				1. Monitoring Phase	2. Monitoring Phase	Status
4.4	AIR QUALITY					
4.4-1	The applicant shall prepare a fugitive dust control plan that meets the requirements outlined in SCAQMD Rule 403. The plan shall be submitted for review and approval of the SCAQMD prior to issuance of grading permits. The plan shall include, but is not limited to, the following:	TCR or Subsequent Owner/Operator and Construction Contractor	Review And Approval of Fugitive Dust Control Plan and Field Inspection	1. AQMD 2. AQMD 3. Prior to Issuance of Grading Permit		
	<ul style="list-style-type: none"> Trucks hauling dirt shall be covered and shall maintain at least 2 feet of freeboard; Streets shall be swept if visible soil material is carried onto adjacent public paved roads; Install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and any equipment leaving the site each trip; Apply soil stabilizers to inactive areas; Replace groundcover in disturbed areas quickly; Water exposed surfaces 2 times daily or as necessary; and Appoint a construction relations officer to act as a community liaison concerning on-site construction activities. 					
4.4-2	Construction contracts shall contain provisions requiring that contractors maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	1. AQMD 2. AQMD 3. Ongoing During Grading and Construction		
4.4-3	Suspend use of all construction equipment operations during second stage smog alerts.	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	1. AQMD 2. AQMD 3. Ongoing During Grading and Construction		
4.4-4	Use electricity from power poles rather than temporary diesel generators when feasible.	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	1. LACDPW 2. LACDPW 3. Ongoing During Grading and Construction		

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.4	AIR QUALITY (continued)				
4.4-5	Painting contractors shall utilize zero or low VOC content paints and solvents to the extent feasible. The following SCAQMD website lists manufacturers who supply interior and exterior zero VOC paints: http://www.aqmd.gov/business/brochures/zerovoc.htm .	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	1. AQMD 2. AQMD 3. Prior to issuance of Building Permits	
4.4-6	The contractor shall implement a shuttle service to and from food establishments during lunch hours.	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	1. LACDPW 2. LACDPW 3. Ongoing During Grading and Construction	
4.4-7	<p>The contractor shall develop a traffic construction management plan to avoid congestion on local streets and minimize truck idling times. The plan shall include the following components:</p> <ul style="list-style-type: none"> • Use of signs and delineators identifying the presence of a construction zone; • Use of flagmen to control vehicle traffic and improve traffic flow; • Identification of a haul route designed to avoid construction traffic on residential streets; and • Limitations on truck idling. 	TCR or Subsequent Owner/Operator and Construction Contractor	Approval of Final Construction Traffic Control Plan and Field Verification	1. LACDPW 2. LACDPW 3. Prior to issuance of Grading Permits	

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.5 PUBLIC SERVICES					
4.5.1 Education					
4.5.1-1	The project would pay developer fees to the affected School Districts as required by state law to cover the incremental increase in residential space associated with the proposed project. No mitigation beyond payment of the school impact fees is necessary to mitigate project-related school impacts.	TCR and Subsequent Owner/Operator	Payment of School Fee	1. LACDPW Dept. of Building & Safety 2. LACDPW Dept. of Building & Safety 3. Prior to Issuance of Building Permit	
4.5.1-2	The project would pay developer fees to the County Libraries in the amount of \$671 per dwelling unit, or \$301,950 total. Payment of the fee is considered to cover the incremental demand for space and books or materials generated by the Proposed Residential Project.	TCR and Subsequent Owner/Operator	Payment of Library Fee	1. LACDPW Dept. of Building & Safety 2. LACDPW Dept. of Building & Safety 3. Prior to Issuance of Building Permit	
4.5.2 Parks & Recreation					
4.5.2-1	The Proposed Residential Project includes recreational amenities available to future residents and guests such as pools, spa, and on-site gymnasium as depicted on Exhibit "A" of Conditional Use Permit No. 03-139.	TCR and Subsequent Owner/Operator		1. LA County Dept. of Regional Planning 2. LA County Dept. of Regional Planning 3. Within 60 Days of Project Approval.	

DEL AIRE BUSINESS PARK

**MITIGATION
MONITORING
PROGRAM**

VARIANCE NO. 03-139
CONDITIONAL USE PERMIT NO. 03-139
GENERAL PLAN AMENDMENT NO. 03-139
ZONE CHANGE NO. 03-139
AMENDMENT TO DEVELOPMENT AGREEMENT NO. 87-060
CONDITIONAL USE PERMIT NO. 04-114
SCH NO. 2004011108

County of Los Angeles Department of Regional Planning
Los Angeles, California 90012

January 2005

MITIGATION MONITORING PROGRAMS

INTRODUCTION

These Mitigation Monitoring Programs for the Pacific Concourse apartment project (Table 1) and the Del Aire Business Park project (Table 2) describe the procedures the applicant and others will use to implement the mitigation measures adopted in connection with the approval of the proposed projects and the methods of monitoring such actions. A monitoring program is necessary only for impacts that would be significant if not mitigated. The following consists of a monitoring program table applicable to the Del Aire Business Park project, which is located within the Del Aire Business Park project, noting the responsible agency for mitigation monitoring, the schedule, and a list of all project-related mitigation measures.

PURPOSE

The Mitigation Monitoring Programs (MMP) have been prepared in conformance with Section 21081.6 of the California Environmental Quality Act. It is the intent of these programs to (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation; (3) provide a record of the monitoring programs; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes wherever feasible.

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action			Status
		1. Enforcement Agency	2. Monitoring Agency	3. Monitoring Phase	
6.1 TRAFFIC & ACCESS 6.1-4 La Cienega Boulevard at I-405 southbound ramps: This intersection is presently a four-legged intersection. This west leg is the terminus of 116 th Street; the east leg is the I-405 southbound ramps. In the future, 116 th Street is expected to either terminate to the west of the project or be realigned through the project. Under both future scenarios, this intersection will be a three-legged or "T" intersection. In order to accommodate the project plus background traffic volume under either scenario, La Cienega Boulevard will need to be designed to accommodate three through lanes plus an additional left-turn lane for southbound traffic. This modification will result in Level of Service "D" operation during both morning and evening peak hours.	TCR or Subsequent Owner/Operator and Construction Contractor	Plan Check and Field Verification	1. LACDPW 2. LACDPW 3. Prior to Issuance of Occupancy Permits		

Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	Enforcement Agency Monitoring Phase		
NOISE				1.	2.	3.
6.2	Construction Impacts:			1. LACDPW		
6.2.4.1.1	The following measures should be implemented to reduce noise levels emanating from the development area during construction of the proposed project:	TCR or Subsequent Owner/Operator and Construction Contractor	Field Inspection	2. LACDPW		
	<ul style="list-style-type: none"> All construction equipment should be stored on the project site; All construction vehicles should be equipped with the most modern noise mufflers and all engines shall be kept in proper tune; and All construction activities should be should be conducted between the hours of 7:00 AM and 5:00 PM on weekdays, and 9:00 AM to 5:00 PM on Saturdays. 			3. Ongoing During Grading and Construction		
6.2.4.1.2	Operational Impacts:					
	The following measure shall be implemented to reduce the magnitude of noise impacts generated as a result of project operation:	Business Park Management Company	Receipt of Complaints	1. LACDHS		
	<ul style="list-style-type: none"> The use of parking lot vacuums and hand-held air blowers should be restricted to daylight hours. 			2. LACDHS		
				3. Ongoing During Life of Project		
6.3	AIR QUALITY					
6.3.3.1	Project Impacts:	TCR or Subsequent Owner/Operator and Construction Contractor	Approval of Final Grading Plan and Field Inspection	1. LACDPW, Building and Safety Dept.		TCR or Subsequent Owner/Operator and Construction Contractor
	The following measures shall be implemented in order to reduce emissions generated by grading and construction on the project site:			2. LACDPW, Building and Safety Dept.		
	<ul style="list-style-type: none"> A major watering plan shall be initiated such that a crust can be formed on the ground surface to reduce the amount of generated fugitive dust and Construction equipment shall be fitted with the most modern emission control devices and be kept in proper tune. 			3. Ongoing During Grading and Construction		

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Enforcement Agency Monitoring Phase			Status
		1. Monitoring	2. Agency	3. Phase	
<p>6.3 AIR QUALITY (continued)</p> <p>The following measures shall be implemented where appropriate in order to reduce emissions generated by project operations related motor vehicles:</p> <ul style="list-style-type: none"> Bicycle related facilities shall be constructed on the project site for use by employees and/or patrons. Such facilities shall include bicycle racks, lockers, and showers; Improved transit facilities (such as covered and lighted bus stops, increased number of busses in the area, increasing the number of lines served by transit, etc.) shall be implemented; Employers should subsidize transit passes for their employees to encourage increased bus uses; Transportation improvements such as road widenings, signal synchronization, intersection widenings, etc., should be implemented to minimize traffic congestion; Implementation of carpool/vanpool programs should be implemented. In conjunction with this measure, a pooling director should be employed fulltime at the project site to ensure proper coordination and implementation of the program; Preferred parking could be implemented on site such that those individuals who carpool would be allowed to park closest to the buildings. This measure would provide additional incentive for people to carpool; If the proposed light rail system for the LAX area is implemented, care should be taken to properly promote use of the system by the pooling director. In addition, employers should also subsidize fares for their employees to encourage use; and Flextime should be initiated in order to lengthen the AM to PM peak hour periods and, thereby, reduce peak hour emissions. 	<p>TCR or Subsequent Owner/Operator and Construction Contractor</p>	<p>Approval of Final Grading Plan and Field Inspection</p>	<p>1. LACDPW, Building and Safety Dept. 2. LACDPW, Building and Safety Dept. 3. Ongoing During Grading and Construction</p>		
	<p>TCR or Subsequent Owner/Operator and Construction Contractor</p>	<p>Approval of Site Plan and Field Inspection</p>	<p>1. LACDPW, Building and Safety Dept. 2. LACDPW, Building and Safety Dept. 3. Ongoing During Grading and Construction</p>		

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Enforcement Agency Monitoring Phase		
		1. Monitoring Agency	2. Monitoring Agency	3. Monitoring Phase
<p>6.4 AESTHETICS</p> <p>The principle mitigation measure that could be incorporated as part of the project would be the placement of mature trees at selected locations along the perimeter wall. If properly placed, the visual analysis indicates that views of the proposed building could be almost totally eliminated. Based on the visual resource analysis, the location of tall trees has been identified such that their view blocking potential can be maximized.</p> <p>Design Standards:</p> <ul style="list-style-type: none"> • Exterior walls shall be concrete or masonry construction although other materials may be used if done in a decorative fashion. • The color of exterior walls should be harmonious with the surrounding neighborhood. • Lighting shall be designed so as not to impact the existing residents. • Mechanical equipment and ductwork should be shielded from view. • Storage, loading, and refuse areas shall be screened. • Approximately 15 percent of the site should be dedicated to landscape vegetation. • Adequate setbacks should be incorporated as part of any project. • Building heights shall be no greater than 30 to 35 feet near existing residential units, where building in lots more distant from the existing residential community can be taller. • A perimeter, solid masonry wall, at least 6 feet in height is required along the perimeter of the site that abuts existing residential parcels. • Parking lot lights could be limited to poles no more than 10 feet in height. • Consult with Del Aire Homeowners Group regarding exterior building elevations and solicit their input. 	TCR or Subsequent Owner/Operator and Construction Contractor	Plan Check and Field Inspection		1. LACDPW, Building and Safety Dept. 2. LACDPW, Building and Safety Dept. 3. Prior to Issuance of Building Permit.

Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action			Status
		1. Enforcement Agency	2. Monitoring Agency	3. Monitoring Phase	



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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July 13, 2005

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Agenda No. 9
04/26/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 04-114-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

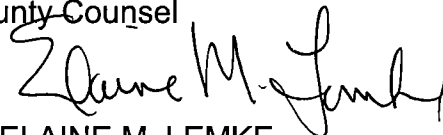
Dear Supervisors:

Your Board recently conducted a hearing regarding the above-referenced permit which proposes separation of the approximate five-acre residential project site from the existing Del Aire Business park. At the conclusion of the hearing, you indicated an intent to approve the permit with revised conditions and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


ELAINE M. LEMKE
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

EML:di
Enclosures

HOA.298763.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 04-114-(2)**

1. The applicant has requested modifications to existing conditional use permit ("CUP") No. 87-060-(2) for the Del Aire Business Park ("Business Park"). This CUP will provide for those modifications and will replace CUP No. 87-060-(2).
2. Conditional Use Permit, Variance, Zone Change, and General Plan Amendment No. 03-139-(2) and Amendment to Development Agreement No. 87-060-(2) were heard concurrently.
3. The action requested separates a proposed five-acre residential project site from the Business Park of which it is now a part. This CUP and the Amendment to the Development Agreement each will modify the legal description of the Business Park to exclude the proposed site. Accordingly, neither this CUP nor the Amended Development Agreement will apply to the proposed residential project site. The residential development will consist of 430 dwelling units, together with appurtenant structures and facilities, including pools, spas, a fitness center, subterranean parking, lighting, fencing, landscaping, roadways, and related infrastructure (the "Proposed Residential Project").
4. CUP No. 87-060-(2) (approved November 25, 1987), Development Agreement No. 87-060-(2) (adopted January 12, 1988), and Parcel Map No. 18568 (recorded December 23, 1988) established development standards, permitted uses, rentable floor space, and other restrictions for the development of the approximately 30-acre Del Aire Business Park.
5. The currently developed portion of the Business Park was developed in three phases according to entitlements referenced in Paragraph 4 above, and currently has three separate owners: GRE Pacific LP, Diagnostics Products Corporation, and Los Angeles County. A total of 701,000 square feet of court, office, warehousing, retail, and light manufacturing has been built to date. Parking is provided for 1,833 vehicles.
6. The Proposed Residential Project (project 03-139-(2)) consists of replacing 700,000 square feet of the available 800,000 square feet of remaining available Business Park space with approximately 450,000 square feet of residential uses. The remaining 100,000 square feet will be retained by the Business Park and reserved for commercial uses and would not be part of the Proposed Residential Project.
7. Specific amendments to Development Agreement No. 87-060-(2) include: 1) a reduction in floor area under the existing conditional use permit from 1,500,000 square feet to 801,000 square feet; 2) removal of a requirement for a jogging path on the Business Park site; 3) removal of a ten percent landscaping

requirement; 4) removal of a requirement that a day care facility be provided either on-site or within half a mile of the Business Park as part of the last phase of the Business Park development; and 5) removal of a requirement that a 600-square foot gymnasium be provided at the Business Park.

8. Passive recreational areas such as benches and tables are available within the Business Park. The jogging path is partially established on the five-acre site to be separated from the Business Park and will be deleted to construct the Proposed Residential Project. Although the requirements to include a jogging path within the Business Park and a gymnasium with the last phase of development will be eliminated, a 2,500-square foot gymnasium, which is open to all Business Park employees and contains fitness equipment and locker facilities, was constructed as part of the first phase of development. In addition, the square footage of the Business Park is being reduced from 1,500,000 to 801,000, thereby reducing the demand for recreational uses within the Business Park. All of the Business Park owners agree that the gymnasium requirement should be eliminated.
9. The previous requirement for a day care center was based on the full buildout of 1,500,000 square feet of commercial uses. The Proposed Residential Project would reduce the size of the Business Park by nearly 50 percent, reducing the need for day care facilities. Moreover, since the original day care requirement was imposed, a 4,400-square foot day care center was built within a quarter mile of the Business Park. That day care center meets the specifications of the original condition, has enrollment capacity, and therefore fills the need identified by the County in 1987 for a 2,500-square foot day care center within half a mile of the Business Park. Furthermore, the County Chief Administrative Office, Service Integration Branch, Office of Child Care, has identified 74 licensed child care centers and family child care homes within a three-mile radius of the Business Park, as well as the new Hawthorne Center, which will serve approximately 100 children. Finally, the applicant will be required to contribute up to \$116,500 toward day care center equipment and programs at two local day care facilities.
10. Pursuant to Section 4.03 of Development Agreement No. 87-060-(2), the Business Park should maintain landscaping on at least two percent of the part of the Site devoted to surface parking and on at least ten percent of the Site as a whole. With the removal of the approximately five-acre site from the Business Park, the ten percent landscaping requirement cannot be met. The Business Park will, however, maintain at least two percent of the surface parking areas landscaped and existing landscaped areas shall not be removed or relocated without prior approval of the Department of Regional Planning.
11. The subject property is located at the intersection of La Cienega Boulevard and Pacific Concourse Drive in Del Aire.

12. The subject property is zoned Manufacturing Planned Development ("MPD"). No change in zone is proposed for the Business Park property.
13. The City of Los Angeles is located to the north of the project site. Surrounding zoning to the south is R-1 (Single-Family Residence), R-3 (Limited Multiple Residence), and R-3-P (Limited Multiple Residence - Parking), and R-1 to the west. The City of Hawthorne is located to the east, beyond the I-405 freeway. The northeast portion of the current business park will be re-zoned from MPD to RPD-88u (Residential Planned Development - 88 units per net acre) per Zone Change No. 03-139-(2), heard concurrently with this permit.
14. Existing land uses consist of the 105 (Century) Freeway to the north; single-family residences to the south, light industry and the I-405 Freeway to the east, and single family residences to the west.
15. The existing MPD zoning of the subject property was established in connection with the Initial Business Park approvals (87-060-(2)). The Business Park has been developed with light industrial, research and development, commercial, and courthouse uses.
16. The Business Park property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan ("General Plan"). When the County originally approved Parcel Map No. 18568, CUP No. 87-060-(2), and Development Agreement No. 87-060-(2) to permit development of the Business Park, the County determined that a General Plan Amendment was not required because, as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than 50 acres are generally not shown." The proposed modifications to the Business Park development agreement and conditional use permit (Development Agreement Amendment No. 87-060-(2) and CUP No. 04-114-(2)) are intended to allow the continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlements at the Business Park, and do not create any inconsistencies with the General Plan. The existing Business Park is consistent with the goals and policies of the General Plan.
17. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Within the County generally, the Regional Housing Needs Assessment states that more than 51,000 units of housing were needed for 1998-2005 in the unincorporated County. The zoning capacity was analyzed as 32,157 units, and the most recent

number for actual buildout was just 5,300 units. The need for housing in the County covers all income levels. In sum, there is a need for tens of thousands of housing units for the County's growing population, which needs housing to help avoid overcrowding and long travel distances. The Proposed Residential Project will provide workforce housing for professionals and others who may fill jobs in the area, and it will provide housing near employment centers, public transit, and major freeways. The proposed housing is consistent with the Green Line Transit Oriented District.

18. Although much of the Business Park has been developed with light industrial, research and development, commercial, and courthouse uses, the five-acre property to be removed from the Business Park has remained undeveloped. A high density residential development would be consistent with the character of the adjacent Business Park uses and would provide much-needed housing.
19. Approval of this CUP No. 04-114-(2), which will replace CUP No. 87-060-(2), and the Amendment to Development Agreement No. 87-060-(2) will become effective upon the Board's adoption of an ordinance implementing Zone Change No. 03-139-(2) to change the zone to RPD-88u on the five-acre portion, and the approval of the proposed General Plan Amendment to change the land use category to High Density Residential, and CUP and Variance Nos. 03-139-(2) to allow for development of the Proposed Residential Development and a deviation from the building coverage requirements for areas zoned RPD.
20. The Applicant's site plan ("Exhibit A") depicts the Business Park developed with a County Courthouse, a parking structure, and three office buildings labeled Nos. 10, 20, and 30 that are located at the western end of the Business Park. Diagnostic Products' building fronts La Cienega Boulevard. Surface parking spaces are shown surrounding all buildings. The Business Park takes its primary access from La Cienega Boulevard through Pacific Concourse Drive. An additional driveway off La Cienega is located further north at the Courthouse.
21. The proposed use of the Business Park is subject to all applicable development standards and requirements of the MPD zone, as set forth in Section 22.32.150 of the County Code except as otherwise permitted by Development Agreement No. 87-060-(2), as amended.
22. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
23. The Proposed Residential Project is a luxury residential project intended to meet a housing demand in the area for professionals and individuals seeking such housing and is intended to be compatible with the Business Park and single-family residential neighborhood.

24. The Business Park properties are subject to a 50 percent lot coverage limitation on a site-wide basis and are otherwise subject to a 60 percent property-specific lot coverage requirement. The Residential Project would neither be inconsistent with the requirements of the surrounding properties nor impact the ability of the Business Park properties to comply with those requirements.
25. Pursuant to paragraph 4.13.03 of the amended Development Agreement (87-060-(2), the Business Park is subdivided into seven parcels. The property removed from the Business Park represents two parcels of approximately five gross acres. The Business Park will consist of approximately 25 acres after the proposed amendment. The Floor Area Ratio ("FAR") for each parcel shall not exceed 4.5:1 and the FAR for the entire site shall not exceed 1.2:1. The Business Park has developed a total of 701,000 square feet of floor area and remains in compliance with the stated FAR.
26. The Los Angeles County Board of Supervisors ("Board") certified the Environmental Impact Report in 1987 when it originally approved the Business Park. An Initial Study was prepared for the Proposed Residential Project which included analysis regarding severance of the proposed residential development from the Business Park in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles to determine what additional environmental documentation would be required. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.
27. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use, and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
28. Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.

29. The Board finds that the Proposed Residential Project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code.
30. The SEIR for the Proposed Residential Project has been prepared in accordance with CEQA, the CEQA Guidelines, and the County CEQA Guidelines. The Final SEIR consists of the Draft SEIR dated June 2004, the Technical Appendices to the Draft SEIR dated June 2004, the Final Environmental Impact Report prepared for the Del Aire Business Park dated August 1987, and the Responses to Comments (collectively referred to as the "FSEIR"). Recirculation of the SEIR was not required, because no new significant information, as defined by Title 14, section 15088.5 of the California Code of Regulations was added to the SEIR after public notice of the Draft SEIR was given.
31. A Mitigation Monitoring Program dated January 2005, consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project.
32. The Board has independently reviewed, considered, and certified the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Board finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project.
33. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
34. The County determined when approving Development Agreement No. 87-060-(2) that it was consistent with the General Plan. The proposed Amendment to Development Agreement No. 87-060-(2) will remove the Residential Project property from the Development Agreement. The Proposed Residential Project will be consistent with the General Plan as amended.
35. At its public hearing conducted on March 22 and April 26, 2005, the Board received oral testimony and written comments from the proponents and the opponents. At the first public hearing session, eight persons testified in favor of the Proposed Residential Project; nine persons testified in opposition. At the

second public hearing session, four persons testified in favor and 13 persons testified in opposition. Concerns included traffic, density, airport noise, impacts to public services (including schools, parks and recreation, and police), and parking, all related to Project 03-139-(2) heard concurrently.

36. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The proposed uses, with the attached conditions and restrictions, will be consistent with the adopted General Plan;
- B. With the attached conditions and restrictions, the requested uses at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said use with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. The Business Park has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Board; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the Proposed Residential Project and its severance from the Business Park;

determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.

2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project, incorporated in the FSEIR, and pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation;
3. Approves CUP No. 04-114-(2) subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 04-114-(2)

1. This grant authorizes the continued development, operation, and maintenance of the Del Aire Business Park, a multi-use business park, as depicted on the approved Exhibit "A." The permit separates a five-acre site proposed for apartment development from the previously approved Business Park development. This grant also includes the removal of requirements for a jogging path, day care center, and gymnasium, a reduction in the total square footage of the Business Park development and a reduction in required landscaping. This permit is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or entity making use of this grant.
3. The grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit that they are aware of, and agree to accept, all of the conditions of this grant, and that the conditions have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9 and 10. Further, this grant shall not become effective unless and until the Board of Supervisors has adopted General Plan Amendment No. 03-139-(2) and Zone Change No. 03-139-(2), and an ordinance effecting such change of zone has become effective.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the Government Code or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit on the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of the initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by permittee according to Section 2.170.010 of the Los Angeles County Code.

6. This grant will expire unless used within 60 days from the date of approval. This grant will be deemed used upon acceptance of the conditions.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be voidable and the privileges granted hereunder may lapse.
8. Prior to the use of this modified grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the subject property.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this modified grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for ten biennial (every other year) inspections of the site. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).

10. Within 15 calendar days of the approval date of this modified grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount for a case where an environmental impact report is required is \$875. Fee is required in conjunction with case 03-139-(2). Only one Fish and Game fee is payable for projects 03-139-(2) and 04-114(2).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or nonprofit organization. In the event such prohibited extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Planning Director ("Director") for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
18. Existing landscaped areas shall not be removed or relocated without prior approval by the Department. All landscaping shall be continuously maintained in good condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. The permittee shall provide a copy of all existing landscaping plans to the Director for review.
19. The buildings constructed on the property may be used for the following purposes:
 - a. Offices for business and professional services;
 - b. Restaurants and cafes, including cocktail lounges;
 - c. Banks and similar financial institutions;
 - d. Post offices;
 - e. Barber and beauty shops, confectionaries, travel agencies, dry cleaning agencies, stationers, and other retail establishments directed for use primarily by persons working on the site;
 - f. Medical, dental, and optical facilities;
 - g. Food products dispensing machines;
 - h. Private clubs;
 - i. Hotels (provided, however, Developer shall obtain such zoning approvals as shall be required to permit hotel usage);
 - j. Electronics manufacturing, including without limitation the manufacture of:
 - i. Electrical and related parts;
 - ii. Small electrical appliances;
 - iii. Electrical devices;
 - iv. Motors;
 - v. Radios, televisions, and phonographs; and

- vi. Printed circuits, including plating shops, etching, and photography;
- k. Instrument manufacturing, including without limitation the manufacture of the following instruments:
 - i. Electronic;
 - ii. Medical; and
 - iii. Precision;
- l. Manufacturing and fabrication of small office and related machinery;
- m. Research and development laboratories and facilities, including without limitation the following laboratories and facilities:
 - i. Chemical;
 - ii. Dental-Medical;
 - iii. Optical;
 - iv. Mechanical;
 - v. Electrical;
 - vi. Electronic;
 - vii. Physical;
 - viii. Environmental tests, including vibration analysis and cryogenics; and
 - ix. Aerospace and defense.
- n. Research, development, and manufacturing of aircraft or spacecraft and associated aerospace systems and components, including without limitation, the following uses which must be incidental to the research, development, and manufacturing functions permitted in the existing ordinances for MPD zones.
- o. Experimental laboratories, motion picture laboratories, and testing laboratories;
- p. Court buildings with appurtenant offices and facilities; and
- q. Other uses commonly found in office, research, development, and industrial business parks similar to the project.

20. No more than one-half of the site may be improved with buildings and structures (exclusive of parking structures) for the uses set forth above.
21. Maximum floor area of the project shall not exceed 801,000 square feet of "floor area," as defined in existing ordinances. As of the date of this modified grant, 701,000 square feet have been developed. The remaining 100,000 square feet is hereby allocated to Parcels 1 and 2 of Parcel Map No. 18568 for further development on those parcels.
22. The Floor Area Ratio ("FAR") for any parcel shall not exceed 4.5:1 and the average FAR for the entire site shall not exceed 1.2:1.
23. Any building (excluding parking structures) built above the finish grade of the site shall be set back not less than 50 feet from the west curb of La Cienega Boulevard. Landscaping shall be provided on the 20 feet of such setback if no portion of such frontage is dedicated for the widening of La Cienega Boulevard or on the first fifteen 15 feet of said setback if such dedication is required.
24. Any structure built above the finish grade of the site shall be set back at least 70 feet from the property line of the site, wherever such property line is a common property line with residentially zoned property to the south and west of the site.
25. Any structure built above the finish grade of the site shall be set back at least 50 feet from the nearest curb faces of Isis Avenue, 118th Street and Place and 119th Street and Place, except that at the cul-de-sac ends of 119th Street, 118th Street and 118th Place (the "Mitigated Sections"), the setback shall be at least 45 feet from the nearest curb face of such streets provided such lesser setback is mitigated by landscaping as provided in Condition No. 32.
26. Maximum heights for any building shall be in conformity with the Height Zones defined in Exhibit 4A and 4B, as approved for Conditional Use Permit 87-060-(2). No building in Height Zone A shall exceed 45 feet. No building in Height Zone C shall exceed 150 feet. No building in Height Zone D shall exceed 200 feet. In the event that a building is built, part of one zone and part in another, the building may "staircase" but in no event may height zones be exceeded within the boundaries of the zone. Height shall be defined as the distance between the finish grade of the site and highest roof line of the building exclusive of the parapet, if any.
27. The permittee shall provide not less than 3.0 parking spaces per 1,000 square feet of floor area for research and development, commercial, office and retail uses in the buildings. Parking for any other uses on the site shall conform to the requirements of the existing ordinances applicable to such uses. Parking may be provided by surface lots or by parking structures, or by a combination thereof, but no parking structure may be located within 350 feet of the southerly or southwesterly sides of the site.

28. Forty percent of said parking spaces may consist of compact parking spaces. Each compact parking space shall measure at least seven feet six inches by 15 feet. Any sections of compact parking spaces on the site shall be 53 feet wide, with an aisle at least 23 feet wide between each row of parking spaces. Handicapped parking spaces shall be provided to the extent required by existing ordinances and shall measure nine feet by 18 feet. All other parking spaces shall measure a minimum of eight feet four inches by 18 feet.
29. The permittee shall provide for outdoor picnic and other passive recreational uses.
30. Subsequent buildings shall be designed harmoniously with existing buildings. Harmoniously, as used herein shall mean having similar or conforming features, colors, treatments, etc., but does not mean duplicative or identical in form or style.
31. The permittee shall maintain a wall around the south and west facing sides of the site. Where the wall abuts residential property, it shall be eight feet in height, straight in design, made of concrete block and topped with a decorative cap. Where the wall abuts public streets, it shall be of the same height and construction but shall be placed atop a two-foot earthen berm and shall be undulating or serpentine in design. The wall shall be landscaped as described in Condition No. 32.
32. Landscaping pertaining to the perimeter wall described in Condition No. 31 above, shall include ground cover, shrubbery, and vines on the parkway side of the wall and staggered groupings of trees located one tree for each 25 feet (on center) having an average 36-inch box size and a height of at least 14 feet. With respect to the wall, the building masses shall be screened by staggered groupings of trees, separated by 25 feet (on center), specimen size, having minimum height of 20 feet.
33. The permittee may install up to two monument signs at the intersection of Pacific Concourse Drive and La Cienega Boulevard and at each of the other entrances to the site, up to two monument signs each on the parcels created pursuant to Parcel Map No. 18568 and up to two wall signs at the top of each building constructed on the site, such wall signs to be designed as an integral part of the architecture. Logos are preferred but names are permitted. All other signage shall conform to existing ordinances.
34. The applicant shall comply with all applicable mitigation measures from the Final Environmental Impact Report for Conditional Use Permit and Development Agreement No. 87-060-(2) and Parcel Map No. 18568.



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

July 13, 2005

TELEPHONE
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(213) 633-0901

Agenda No. 9
04/26/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: AMENDMENT TO DEVELOPMENT AGREEMENT NUMBER 87-060-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

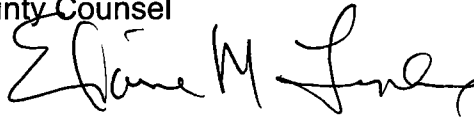
Your Board recently conducted a hearing on a proposed amendment to a development agreement for a Business Park in the Del Aire Zoned District which would separate a proposed five-acre apartment development from a portion of the previously approved Business Park Development and delete certain requirements for the Business Park.

At the conclusion of the hearing, you indicated your intent to approve the Amendment and instructed this office to prepare an ordinance to implement the amendment.

Such ordinance, along with the necessary development agreement amendment findings and the amendment executed by the developer parties, are enclosed herein. When the ordinance becomes effective, the Chairman must execute the agreement, and then the Executive Officer must record the agreement within ten days of the execution.


Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

EML:di
Enclosures

HOA.298758.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
AMENDMENT TO DEVELOPMENT AGREEMENT NUMBER 87-060-(2)**

1. The applicant has requested an amendment to Development Agreement No. 87-060-(2) which provides for the phased development of a large-scale mixed use business park as initially authorized by Conditional Use Permit ("CUP") No. 87-060-(2) granted by the Regional Planning Commission in 1987.
2. Development Agreement No. 87-060-(2) constitutes a contract by and between the County of Los Angeles, GRE Pacific LP, and Diagnostics Products Corporation. Government Code section 65868 authorizes amendment to development agreements upon mutual consent of the parties or their successors in interest.
3. The requested amendment to the development agreement severs a proposed five-acre residential project site from the Business Park of which it is now a part. The requested amendment to the Development Agreement will modify the legal description of the Business Park to exclude the proposed housing project site. Accordingly, the Amended Development Agreement will not apply to the proposed residential project site.
4. A previous amendment to Development Agreement No. 87-060-(2) was executed on July 8, 1993. This first amendment extended the term of the Agreement to 12 1/2 years after the recordation of the First Amendment.
5. The expiration for the Development Agreement is currently December 1, 2005, which expiration date is not affected by this Amendment.
6. The Business Park is located at La Cienega Boulevard and Pacific Concourse Drive in the Del Aire Zoned District. The property to be severed from the Business Park is located along La Cienega Boulevard, north of Pacific Concourse Drive.
7. Pursuant to paragraph 4.13.03 of the Development Agreement, the Business Park is subdivided into seven parcels. The property removed from the Business Park represents two parcels of approximately 5.4 gross acres. The Business Park will consist of approximately 25 acres after the proposed amendment. The Floor Area Ratio ("FAR") for each parcel shall not exceed 4.5:1 and the FAR for the entire site shall not exceed 1.2:1. The Business Park has developed a total of 701,000 square feet of floor area and remains in compliance with the stated FAR.
8. The Business Park is zoned Manufacturing Planned Development ("MPD"). No change in zone is proposed for the portion which is to remain as the Business Park property.

9. The existing MPD zoning of the subject property was established in connection with the initial Business Park approvals. The Business Park has been developed with light industrial, research and development, commercial, and courthouse uses.
10. Amendment to Development Agreement No. 87-060-(2) was heard concurrently with Zone Change No. 03-139-(2), Plan Amendment No. 03-139-(2), CUP No. 03-139-(2), Variance No. 03-139-(2), and CUP No. 04-114-(2).
11. CUP No. 04-114-(2) is a related request to replace CUP No. 87-060-(2), which governs the Business Park, to sever the undeveloped five-acre site proposed for apartment development from the previously approved Business Park development.
12. Plan Amendment No. 03-139-(2) is a related request to authorize a change of land use classification in the Countywide General Plan from Low Density Residential to High Density Residential on the approximately five-acre property to be severed from the Business Park property.
13. CUP No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the severed property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars.
14. Variance No. 03-139-(2) is a related request to authorize lot coverage up to 55 percent on the five-acre site to accommodate the apartment development.
15. The Applicant's site plan ("Exhibit A" to CUP No. 04-114-(2)) depicts the Business Park developed with a County Courthouse, a parking structure, and three office buildings labeled Nos. 10, 20, and 30 that are located at the western end of the Business Park. Diagnostic Products' building fronts La Cienega Boulevard. Surface parking spaces are shown surrounding all buildings. The Business Park takes its primary access from La Cienega Boulevard through Pacific Concourse Drive. An additional driveway off La Cienega is located further north, at the Courthouse.
16. The parcels to be severed from the Business Park are undeveloped and located at the northeastern corner of the Business Park, adjacent to the County Courthouse.
17. Specific amendments to Development Agreement No. 87-060-(2) proposed herein include: 1) a reduction in floor area under the existing CUP from 1,500,000 square feet to 801,000 square feet; 2) removal of a requirement of a jogging path on the Business Park site; 3) removal of a ten percent landscaping

requirement; 4) removal of a requirement that a day care facility be provided either on-site or within half a mile of the Business Park as part of the last phase of the Business Park development; and 5) removal of a requirement that a 600-square-foot gymnasium be provided at the Business Park.

18. Passive recreational areas such as benches and tables are available within the Business Park. The jogging path is partially established on the five-acre site to be severed from the Business Park and will be deleted to allow for construction of the Proposed Residential Project. Although the requirements to include a jogging path within the Business Park and a gymnasium with the last phase of development will be eliminated, a 2,500-square foot gymnasium, which is open to all Business Park employees and contains fitness equipment and locker facilities, was constructed as part of the first phase of development. In addition, the square footage of the Business Park is being reduced from 1,500,000 to 801,000, thereby reducing the demand for recreational uses within the Business Park. All of the Business Park owners agree that the gymnasium requirement should be eliminated.
19. The previous requirement for a day care center was based on the full buildout of 1,500,000 square feet of commercial uses. The proposed residential project would reduce the size of the Business Park by nearly 50 percent, reducing the need for day care facilities. Moreover, since the original day care requirement was imposed, a 4,400-square foot day care center was built within a quarter mile of the Business Park. That day care center meets the specifications of the original condition, has enrollment capacity, and therefore fills the need identified by the County in 1987 for a 2,500-square foot day care center within half a mile of the Business Park. Furthermore, the County Chief Administrative Office, Service Integration Branch, Office of Child Care, has identified 74 licensed child care centers and family child care homes within a three mile radius of the Business Park, as well as the new Hawthorne Center, which will serve approximately 100 children. Finally, the applicant for the proposed residential development on the severed property will be required to contribute up to \$116,500 toward day care center equipment and programs at two local day care facilities.
20. Pursuant to section 4.03 of Development Agreement No. 87-060-(2), the Business Park should maintain landscaping on at least two percent of the part of the Site devoted to surface parking and on at least ten percent of the Site as a whole. With the removal of the approximately five-acre site from the Business Park, the ten percent landscaping requirement cannot be met. The Business Park will, however, maintain at least two percent of the surface parking areas landscaped and existing landscaped areas shall not be removed or relocated without prior approval of the Department of Regional Planning.

21. The City of Los Angeles is located to the north of the project site. Surrounding zoning to the south is R-1 (Single-Family Residence), R-3 (Limited Multiple Residence) and R-3-P (Limited Multiple Residence — Parking), and R-1 to the west. The City of Hawthorne is located to the east, beyond the I-405 freeway. The northeast portion of the current business park will be re-zoned from MPD to RPD-88u (Residential Planned Development — 88 units per net acre) per Zone Change No. 03-139-(2), heard concurrently with this permit.
22. Existing land uses consist of the I-105 (Century) Freeway to the north; single-family residences to the south, light industry and the I-405 Freeway to the east and single-family residences to the west.
23. The existing MPD zoning of the subject property was established in connection with the initial Business Park approvals (No. 87-060-(2)). The Business Park has been developed with light industrial, research and development, commercial, and courthouse uses.
24. The Business Park property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan ("General Plan"). When the County originally approved Parcel Map No. 18568, CUP No. 87-060-(2), and Development Agreement No. 87-060-(2) to permit development of the Business Park, the County determined that a General Plan Amendment was not required because, as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than fifty acres are generally not shown."
25. The proposed amendment to the Business Park development agreement does not alter or expand the existing permitted uses or entitlements at the Business Park, and is consistent with the goals, policies and programs of the Los Angeles County General Plan.
26. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Within the County generally, the Regional Housing Needs Assessment states that more than 51,000 units of housing were needed for 1998-2005 in the unincorporated County. The zoning capacity was analyzed as 32,157 units, and the most recent number for actual buildout was just 5,300 units. The need for housing in the County covers all income levels. In sum, there is a need for tens of thousands of housing units for the County's growing population, which needs housing to help avoid overcrowding and long travel distances. The proposed residential project will provide workforce housing for professionals and others who may fill jobs in the area, and it will provide housing near employment centers, public transit and major freeways. The proposed housing is consistent with the Green Line Transit Oriented District.

27. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the five-acre property to be removed from the Business Park has remained undeveloped. A high density residential development would be consistent with the character of the adjacent Business Park uses and would provide much-needed housing.
28. Approval of the amendment to Development Agreement No. 87-060-(2) and CUP No. 04-114-(2), which will replace CUP No. 87-060-(2), will become effective upon the Board of Supervisors' ("Board") adoption of No. 03-139-(2)'s ordinance for Zone Change to change the zone to RPD-88u on the five acre portion, and the Board's approval of No. 03-139-(2)'s proposed amendment to the General Plan to change the land use category to High Density Residential, and Variance No. 03-139-(2) to allow a deviation from the building coverage requirements for areas zoned RPD.
29. The proposed use at the Business Park is subject to all applicable development standards and requirements of the MPD zone, as set forth in Section 22.32.150 of the County Code except as otherwise permitted by Development Agreement No. 87-060-(2), as amended.
30. Compliance with the conditions of approval for the related entitlements will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
31. The proposed residential project on the five acres to be severed is a luxury residential project (the "Proposed Residential Project") intended to meet housing demand in the area for professionals and individuals seeking such housing and is intended to be compatible with the adjacent Business Park and single family residential neighborhood.
32. The Business Park properties are subject to a 50 percent lot coverage limitation on a site-wide basis and are otherwise subject to a 60 percent property-specific lot coverage requirement. The residential project would neither be inconsistent with the requirements of the surrounding properties nor impact the ability of the Business Park properties to comply with those requirements.
33. The Board certified the Environmental Impact Report in 1987 when it originally approved the Business Park. An Initial Study was prepared for the Proposed Residential Project which included analysis regarding severance of the proposed residential development from the Business Park in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles to determine what additional environmental documentation would be required. The Initial Study concluded that there was substantial evidence that the Proposed

Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.

34. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use, and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
35. Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.
36. The SEIR for the Proposed Residential Project has been prepared in accordance with CEQA, the CEQA Guidelines, and the County CEQA Guidelines. The Final SEIR consists of the Draft SEIR dated June 2004, the Technical Appendices to the Draft SEIR dated June 2004, the Final Environmental Impact Report prepared for the Del Aire Business Park dated August 1987, and the Responses to Comments (collectively referred to as the "FSEIR"). Recirculation of the SEIR was not required, because no new significant information, as defined by California Code of Regulations, Title 14, section 15088.5, was added to the SEIR after public notice of the Draft SEIR was given.
37. A Mitigation Monitoring Program dated January 2005, consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project.
38. The Board has independently reviewed and considered the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Board finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project.

39. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
40. The County determined when approving Development Agreement No. 87-060-(2) that it was consistent with the General Plan. The proposed Amendment to Development Agreement No. 87-060-(2) will remove the Residential Project property from the Development Agreement. The Proposed Residential Project will be consistent with the General Plan as amended.
41. At its public hearing conducted on March 22 and April 26, 2005, the Board received oral testimony and written comments from the proponents and the opponents. At the first public hearing session, eight persons testified in favor of the Proposed Residential Project; nine persons testified in opposition. At the second public hearing session, four persons testified in favor and 13 persons testified in opposition. Concerns included traffic, density, airport noise, impacts to public services (including schools, parks and recreation, and police), and parking.
42. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.
43. The proposed Amendment to Development Agreement is consistent with the general plan and any applicable community, area, or specific plan.
44. The proposed Amendment to Development Agreement complies with zoning, subdivision, and other applicable ordinances and regulations.
45. The proposed Amendment to Development Agreement is consistent with the public convenience, general welfare, and good land-use practice.
46. The proposed Amendment to Development Agreement will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.
47. The proposed Amendment to Development Agreement will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.
48. The proposed Amendment to Development Agreement will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare.

THEREFORE, THE BOARD OF SUPERVISORS:

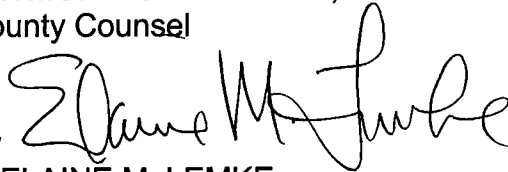
1. Approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the Proposed Residential Project and its severance from the Business Park; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.
2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project, incorporated in the FSEIR, and pursuant to section 21081.6 of the Public Resources Code finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation; and
3. Approves Amendment to Development Agreement No. 87-060-(2).

ANALYSIS

This ordinance approves an amendment to a development agreement which has been recommended by the Regional Planning Commission. Section 65868 of the Government Code and Section 22.16.450 of the Los Angeles County Code authorize the County to amend a previously approved development agreement by mutual consent of the parties or their successors in interest.

The amendment will reflect separation of a five-acre residential site from the Business Park covered by the original development agreement and eliminates conditions no longer feasible or relevant due to the separation of the residential site. The separation of the properties will allow for development on the residential site of needed housing in the County. The expiration date for the amended development agreement will remain December 5, 2005.

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Public Works Division

EML:di

ORDINANCE NO. _____

An ordinance approving an amendment to a development agreement pursuant to section 65868 of the Government Code and Section 22.16.450 of the Los Angeles County Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. The Board of Supervisors hereby approves the Amendment to Development Agreement No. 87-060-(2), a copy of which is attached hereto.

SECOND AMENDMENT
TO DEVELOPMENT AGREEMENT
BY AND BETWEEN
COUNTY OF LOS ANGELES,
ECONOMIC DEVELOPMENT CORPORATION OF LOS ANGELES COUNTY /
DEL AIR TITLE HOLDING CORPORATION,
GRE PACIFIC LP
AND
DIAGNOSTIC PRODUCTS CORPORATION

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT is executed this ____ day of _____, 2005, by and between the COUNTY OF LOS ANGELES, a political subdivision of the State of California (the "County"), DEL AIRE TITLE HOLDING CORPORATION, a Delaware non-profit corporation and the ECONOMIC DEVELOPMENT CORPORATION OF LOS ANGELES COUNTY, a California non-profit organization (collectively "EDC"), GRE PACIFIC LP, a Delaware limited partnership ("Greenlaw"), and DIAGNOSTIC PRODUCTS CORPORATION, a California corporation ("Diagnostic Products"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code.

I. RECITALS

A. The County, EDC and OMA Del Aire Properties, a California general partnership ("OMA"), entered into that certain Development Agreement dated February 12, 1988 (the "Development Agreement"), which was recorded on February 17, 1988 as Instrument Number 88-215139. The Development Agreement contemplated development of an approximately thirty (30) acre business park in the Southwestern portion of Los Angeles County, within the Del Aire neighborhood, as defined in Section 1.01 of the Development Agreement (the "Property").

B. The County, EDC, and OMA amended the Development Agreement to extend the term thereof, as set forth in the First Amendment to Development Agreement dated July 8, 1993 (the "First Amendment"), which was recorded on July 8, 1993 as Instrument Number 93-1310216.

C. OMA no longer owns any portion of the Property and has assigned all of its rights and responsibilities under the Development Agreement and the First Amendment to the current owners of the Property, which are the County, EDC, Greenlaw and Diagnostic Products (collectively, the "Parties").

D. EDC owns the "Phase IV Land," which is described in Exhibit "A" attached hereto and is proposed to be developed for residential uses. EDC owns no other interest in the Property besides the Phase IV Land.

E. As of the date of this Second Amendment To Development Agreement ("Second Amendment"), seven hundred and one thousand (701,000) square feet of business park

uses have been developed at the Property pursuant to the Development Agreement and the First Amendment.

F. The Parties now wish to cancel the Development Agreement to the extent it applies to the Phase IV Land. The Parties further wish to retain the right to develop an additional one hundred thousand (100,000) square feet of development within Parcels 1 and 2 of Parcel Map 18568, which are owned by Diagnostic Products, and to amend other portions of the Development Agreement as set forth herein.

G. The County has determined that a subsequent environmental review was appropriate to assess the environmental impacts of the proposed residential development and other revisions contained in the Second Amendment. Accordingly, a Supplemental Environmental Impact Report (State Clearinghouse Number 2004011108) has been adopted in conjunction with the approval of this Second Amendment.

H. In order to effectuate the foregoing, the Parties desire to enter into this Second Amendment.

II. AGREEMENT AMENDMENTS

NOW, THEREFORE, the Parties hereto do hereby agree as follows:

1. Pursuant to Section 65868 of the California Government Code, the Development Agreement is hereby cancelled as to the Phase IV Land and no longer governs development of that portion of the Property.

2. Section 1.01 The Site is amended in its entirety to read:

“The Site for development of the Project is located in the Southwestern portion of Los Angeles County, within the Del Aire neighborhood, near the intersection of the San Diego (Interstate 405) Freeway and the Century (Interstate 105) Freeway. Specifically, the Site is bounded by the Century Freeway right-of-way to the North, La Cienega Boulevard and proposed residential uses to the East, Isis Avenue to the West, and to the South and Southwest by an existing single-family residential neighborhood (the “Del Aire Neighborhood”) and a variety of local streets. The Site consists of approximately twenty-four (24) acres, the legal description for which is attached to the Second Amendment To Development Agreement as Exhibit “B” and incorporated herein by this reference.”

3. Section 1.02 The Developer is amended in its entirety to read:

“The County of Los Angeles, GRE Pacific LP and Diagnostic Products Corporation each are the “Developer” of the portion or portions of the Site in which such Developer has an ownership interest. Obligations and common areas shared by more than one Party shall be addressed in an agreement between the Parties and the Permittee of Conditional Use Permit 03-139 affecting the Phase IV Land amending and restating that certain Amended

and Restated Declaration of Protective Covenants dated April 11, 1997 and recorded in the official records of Los Angeles County as document number 97-646658.”

4. Section 1.05 The Owner is amended in its entirety to read:

“The County of Los Angeles, GRE Pacific LP and Diagnostic Products Corporation each are the “Owner” of the portion or portions of the Site in which such Owner has an ownership interest. Obligations and common areas shared by more than one Party shall be addressed in an agreement between the Parties and the Permittee of Conditional Use Permit 03-139 amending and restating that certain Amended and Restated Declaration of Protective Covenants dated April 11, 1997 and recorded in the official records of Los Angeles County as document number 97-646658.”

5. Section 3.00 Lease of Site is deleted in its entirety.

6. Section 4.01 Scope of Development is amended in its entirety to read:

The project shall include commercial, courthouse, research and development uses and ancillary retail and public improvements developed on the Site. The Project will be built in multiple phases, beginning on the northwesterly quarter of the Site.

7. Section 4.03 Landscaping is amended in its entirety to read:

The landscaping plan and plans for Phase One and the Wall, which are attached hereto as Exhibits 7A and 7B, are incorporated herein by this reference. The landscaping is hereby approved by the County and Developer shall install landscaping on the Site in conformity with said plan.

The landscaping plan specifies approximate locations and sizes for pedestrian walkways, public plazas, rest areas, water amenities, ground cover, trees, shrubs, and other vegetation. The parties realize that the actual development may require changes to this landscaping plan, and County hereby consents to any changes to the landscaping plan which meet or exceed the landscaping plan. At least 2% of that portion of the Site devoted to surface parking shall be landscaped. Existing landscaped areas shall not be removed or relocated without prior approval by the Department of Regional Planning.

As relates to the Wall described in paragraph 4.09 below, the landscaping shall include ground cover, shrubbery and vines on the parkway side of the Wall and staggered groupings of trees located one tree for each 25 feet (on center) having an average 36-inch box size and a height of at least 14 feet. With respect to the Wall (see paragraph 4.05.05(c) below), the building masses shall be screened by staggered groupings of trees, separated by 25 feet (on center), specimen size, having minimum height of 20 feet.

The perimeter wall and street-side landscaping shall be completed as part of phase 1. Developer shall maintain in good condition all of the landscaping installed on the Site and along the Wall, at Developer’s expense.

8. Section 4.05.01 Permitted Uses is amended in its entirety to read:

“The buildings constructed on the Property may be used for the following purposes:

- (a) Offices for business and professional services;
- (b) Restaurants and cafés, including cocktail lounges;
- (c) Banks and similar financial institutions;
- (d) Post offices;
- (e) Barber and beauty shops, confectionaries, travel agencies, dry cleaning agencies, stationers and other retail establishments directed for use primarily by persons working on the Site;
- (f) Medical, dental and optical facilities;
- (g) Food products dispensing machines;
- (h) Private clubs;
- (i) Hotels (provided, however, Developer shall obtain such zoning approvals as shall be required to permit hotel usage);
- (j) Electronics manufacturing, including without limitation the manufacture of:
 - (1) Electrical and related parts;
 - (2) Small electrical appliances;
 - (3) Electrical devices;
 - (4) Motors;
 - (5) Radios, televisions, and phonographs; and
 - (6) Printed circuits, including plating shops, etching, and photography
- (k) Instrument manufacturing, including without limitation the manufacture of the following instruments:
 - (1) Electronic;
 - (2) Medical; and
 - (3) Precision
- (l) Manufacturing and fabrication of small office and related machinery;
- (m) Research and development laboratories and facilities, including without limitation the following laboratories and facilities:
 - (1) Chemical
 - (2) Dental-Medical;
 - (3) Optical;
 - (4) Mechanical;
 - (5) Electrical;
 - (6) Electronic;
 - (7) Physical;
 - (8) Environmental tests, including vibration analysis and cryogenics; and
 - (9) Aerospace and defense
- (n) Research, development and manufacturing of aircraft or spacecraft and associated aerospace systems and components, including without limitations, the following uses which must be incidental to the research, development and manufacturing functions permitted in the existing ordinances for “MPD” zones.

- (o) Experimental laboratories, motion picture laboratories and testing laboratories;
- (p) Court buildings with appurtenant offices and facilities; and
- (q) Other uses commonly found in office, research, development and industrial business parks similar to the project.”

9. Section 4.05.03 Maximum Floor Area is amended in its entirety to read:

“Maximum floor area of the Project shall not exceed eight hundred one thousand (801,000) square feet of “floor area,” defined in Existing Ordinances,” including one hundred thousand (100,000) square feet of floor area that is not currently developed but may be developed within Parcels 1 and 2 of Parcel Map 18568, which are owned by Diagnostic Products Corporation.”

10. Section 4.05.04 Maximum Floor Area Ratio is amended in its entirety to read:

“As specified in paragraph 4.13.03, the Site is subdivided into eight (8) separate parcels. The Floor Area Ratio (FAR) for each parcel shall not exceed 4.5:1, and the average FAR for the entire Site shall not exceed 1.2:1.”

11. Section 4.05.08 Recreational Facilities is amended in its entirety to read:

“Developer shall provide for outdoor picnic and other passive recreational uses (including area for card playing, checkers, chess playing, etc.) in all phases of the Project.”

12. Section 4.06 Buildout; Phasing is amended in its entirety to read:

“As of the date of this Second Amendment, seven hundred and one thousand (701,000) square feet of business park uses have been developed at the Property in several phases pursuant to the Development Agreement and the First Amendment. An additional one hundred thousand (100,000) square feet of floor area may be developed within Parcels 1 and 2 of Parcel Map 18568 by the Owner of such parcels.”

13. Section 4.07 Day Care Center is deleted in its entirety.

14. Section 4.10 Signage is amended in its entirety to read:

“Developer shall install or cause to be installed up to two (2) monument signs at the intersection of Pacific Concourse Drive and La Cienega Boulevard and at each of the other entrances to the Site, up to two (2) monument signs on each of the parcels created pursuant to Parcel Map 18568 and up to two (2) wall signs at the top of each building constructed on the Site, such wall signs to be designed as an integral part of the architecture. Logos are preferred but names are permitted. All other signage shall conform to Existing Ordinances.”

15. Section 11.00 Notices is amended in its entirety to read:

“To County:
Chief Administrative Officer
County of Los Angeles
Hall of Administration
500 Temple Street, Room 713
Los Angeles, California 90012

To Diagnostic Products Corporation:
5210 Pacific Concourse Drive
Los Angeles, CA 90045
Attention: Chris Goss

To GRE Pacific LP:
c/o Greenlaw Partners, LLC
4425 Jamboree Road, Suite 280
Newport Beach, CA 92660”

16. Exhibit 1 to the Development Agreement, the legal description of the Site, is replaced with Exhibit “B” hereto and incorporated herein by this reference.

17. Except as specifically amended herein, the terms of the Development Agreement shall remain in full force and effect.

18. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

19. Upon execution of this Second Amendment, County shall promptly arrange for its recordation as provided in California Government Code Sections 65868 and 65868.5 and County Ordinance No. 82-0173 (County Code Section 22.16.410).

IN WITNESS WHEREOF, this Second Amendment to Development Agreement has been executed by the parties hereto as of the day and year first above written.

Date: _____

COUNTY OF LOS ANGELES

By: _____

Title: _____

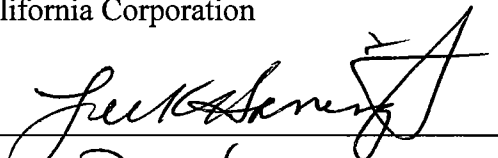
ATTEST:

Executive Officer-Clerk
of the Board of Supervisors
of the County of Los Angeles

Deputy

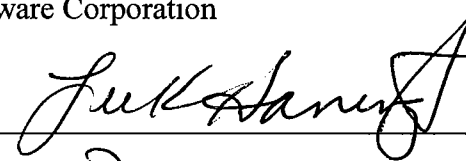
Date: 6-28, 2005

ECONOMIC DEVELOPMENT CORPORATION
OF THE COUNTY OF LOS ANGELES
A California Corporation

By: 
Title: PRES/CEO

Date: 6-28, 2005

DEL AIRE TITLE HOLDING CORPORATION
A Delaware Corporation

By: 
Title: PRESIDENT

[Signatures continued on next page]

STATE OF CALIFORNIA

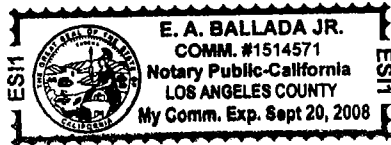
COUNTY OF LOS ANGELES

On June 28, 2005, before me, E.A. BALLADA JR., a
Notary Public personally appeared LEE K. HARRINGTON, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

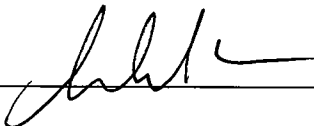
Signature

E.A. Ballada Jr.



Date: 6-29, 2005

DIAGNOSTIC PRODUCTS CORPORATION
A California Corporation

By: 

Title: CEO

Date: _____, 2005

GRE PACIFIC LP
A Delaware Limited Partnership

By: _____

Title: _____

APPROVED AS TO FORM:

County Counsel

By: _____

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On 6/29/05, before me, Kunthea Soy, a
Notary Public personally appeared Michael Zieg, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) (s) are
subscribed to the within instrument and acknowledged to me that he she/they executed the same
in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kunthea Soy



Date: _____, 2005

DIAGNOSTIC PRODUCTS CORPORATION
A California Corporation

By: _____

Title: _____

Date: June 28, 2005

GRE PACIFIC LP

A Delaware Limited Partnership

By: Greentax Partners, LLC
Its: a California limited liability company

By: W. W. Ole

Title: _____

APPROVED AS TO FORM:

County Counsel

By: Edaine M. Gumb

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

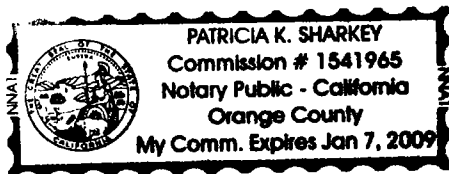
State of California

County of Orange } SS.

On June 28, 2005, before me, Patricia Sharkey, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared David Miller,
Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Second Amendment to Development Agreement

Document Date: June 2005 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Exhibit "A"
LEGAL DESCRIPTION
Phase IV Lands

Parcel 1 and Parcel 2 of that certain Certificate of Compliance for Lot Line Adjustment No. 102-090 in the unincorporated territory of the County of Los Angeles, State of California, Recorded July 11, 2003 as Document No. 03-1990786 of Official Records in the Office of the County Recorder of said County.

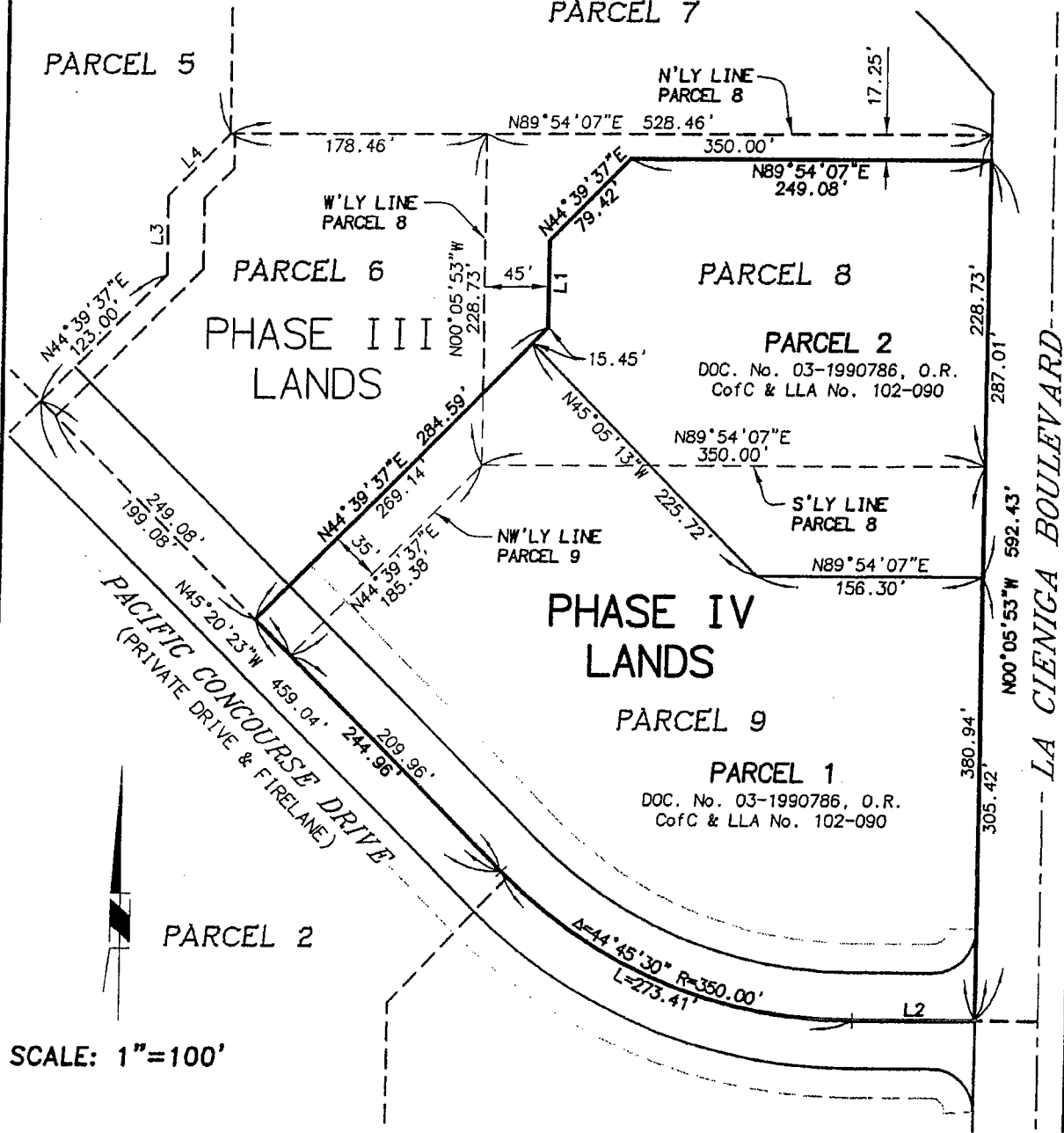
EXHIBIT 'A'

PHASE IV LANDS

PARCEL MAP No.18568
213/76

PARCEL 7

LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	N00°05'53"W	60.00'
L2	N89°54'07"E	85.00'
L3	N00°03'27"W	55.00'
L4	N44°39'37"E	60.06'



PLANNING ■ DESIGN ■ CONSTRUCTION

4880 SANTA ROSA ROAD, SUITE 170
CAMARILLO, CALIFORNIA 93012-5190
805.383.3373 • FAX 805.383.3371 • www.RBF.com

DRAWN BY: CRT
DATE: 1/03/2004
SCALE: 1"=100'
CLIENT: TCR
JOB No: 30-100493
FILE: 493EX012.dwg

EXHIBIT "B"
LEGAL DESCRIPTION

PACIFIC CONCOURSE BUSINESS PARK

ALL of Parcels 1, 2, 3, 4, 5, 6, 7 and 8 of Parcel Map No. 18568, in the City of Los Angeles, County of Los Angeles, State of California, as per Map Filed in Book 213 Pages 76 to 85 inclusive of Parcel Maps, in the Office of the County Recorder of said County.

EXCEPT that portion of said Parcel 6, lying southeasterly of a line parallel to and distant 35.00 feet northwest, measured at right angles from the southeasterly line of said Parcel 6, said parallel line shall be extended to intersect with the east line of said Parcel 6, said parallel line may be further described as bearing North 44°39'37"East, a distance of 220.68 feet.

ALSO EXCEPT that portion of said Parcel 8, lying southerly and southeasterly of a line described as beginning at the intersection of the west line of said Parcel 8, with a line parallel to and distant 35.00 feet northwest, measured at right angles from the southeasterly line of Parcel 6 of said Parcel Map No. 18568; thence along said parallel line North 44°39'37"East 63.91 feet to the intersection with a line parallel to and distant 45.00 feet east, measured at right angles, from the west line of said Parcel 8; thence along said last parallel line North 00°05'53"West 60.00 feet to the intersection with a line having a bearing parallel with the southeasterly line of said parcel 6; thence along said last parallel line North 44°39'37"East 79.42 feet to the intersection with a line parallel to and distant 17.25 feet south, measured at right angles from the north line of said Parcel 8; thence along said last parallel line North 89°54'07"East 249.08 feet to the east line of said Parcel 8.

CONTAINING: 24.25 Acres, more or less.

SUBJECT TO: All covenants, Rights, Rights-of-Way and Easements of record.




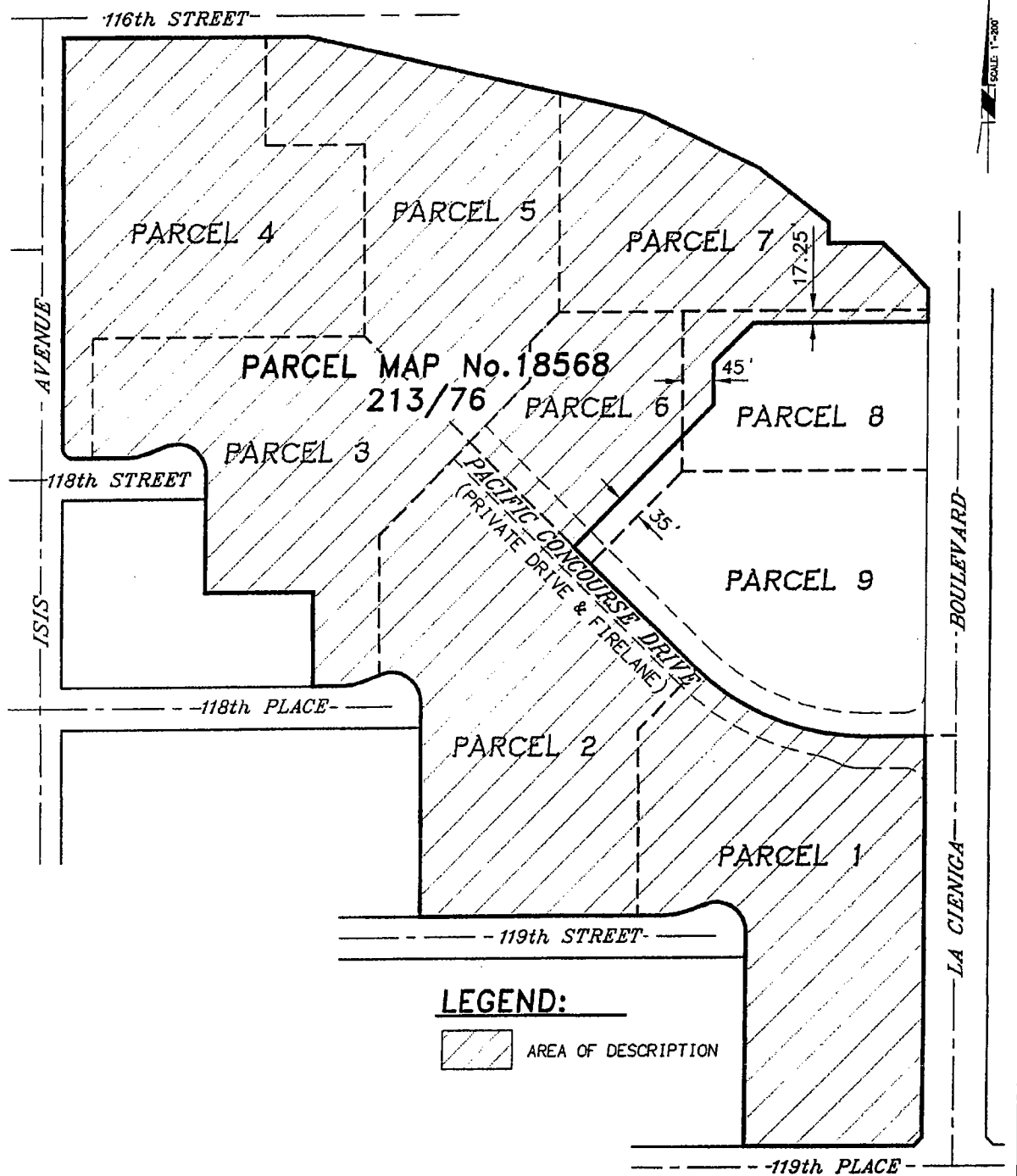

Matthew J. Vernon
PLS 7553, Exp. 12/31/05
Date 2/3/2005
493ex019.doc

EXHIBIT 'B'

PLAT TO ACCOMPANY LEGAL DESCRIPTION



RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

4880 SANTA ROSA ROAD, SUITE 170
CAMARILLO, CALIFORNIA 93012-5190

805.383.3373 • FAX 805.383.3371 • www.RBF.com

DRAWN BY: MJV
DATE: 1/26/2005
SCALE: 1"=200'
CLIENT: TCR
JOB No: 30-100493
FILE: 493EX019

SHT 1 OF 1

**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR
THE ALEXAN PACIFIC CONCOURSE PROJECT**

State Clearinghouse No. 2004011108

**Variance No. 03-139
Conditional Use Permit No. 03-139
General Plan Amendment No. 03-139
Zone Change No. 03-139
Amendment to Development Agreement No. 87-060
Conditional Use Permit No. 04-114**

**County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012**

July 21, 2005

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**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING FINAL ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 2004011108)
FOR THE ALEXAN PACIFIC CONCOURSE DEVELOPMENT PROJECT
(PROJECT NUMBER 03-139, 87-060 AND 04-114)**

INTRODUCTION

The Los Angeles County Board of Supervisors (the “Board”) hereby certifies the Pacific Concourse Final Supplemental Environmental Impact Report, State Clearinghouse Number 2004011108 (which consists of the Draft Supplemental Environmental Impact Report (“DSEIR”) dated June 2004, Technical Appendices to the DSEIR dated June 2004, the Final Supplemental Environmental Impact Report including Responses to Comments dated December 2004, collectively referred to as the “FSEIR”) and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.) (“CEQA”) and that the Board has received, reviewed and considered the information contained in the FSEIR, the Final Environmental Impact Report previously prepared for the Del Aire Business Park, and the applications for Variance No. 03-139, Conditional Use Permit No. 03-139, General Plan Amendment No. 03-139, Zone Change No. 03-139, Amendment to Development Agreement No. 87-060, and Conditional Use Permit No. 04-114 (collectively, the “Project”) to permit construction of a 450-unit (later revised to a 430-unit) residential community on approximately five acres of undeveloped land previously approved for business park uses as part of the Del Aire Business Park, all hearings, and submissions of testimony from officials and departments of the County, the Applicant (as defined below), the public and other municipalities and agencies. Concurrently with the adoption of these findings, the Board adopts a Mitigation Monitoring Plan for the proposed residential community and a Mitigation Monitoring Plan for the continued operation of the Del Aire Business Park.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Board hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code as follows:

BACKGROUND

TCR Southern California II, Inc. (the “Applicant”) proposes to construct a 430-unit residential community on approximately five acres of undeveloped land previously approved for business park uses as part of the Del Aire Business Park in Del Aire (the “Business Park”). Regional access to the site is provided to the site by light rail operated by the Metropolitan Transit Authority (Green Line), La Cienega Boulevard, the San Diego Freeway (I-405), and the Glen Anderson/Century Freeway (I-105).

The proposed Project is located within the previously approved and partially built out Business Park, which is an approximately 30-acre mixed-use development including primarily office space, but also containing limited areas of warehousing, research, retail, commercial, and light manufacturing space to support the office uses. The Airport Branch of the Los Angeles Superior Courts is also located within the Business Park. An Environmental Impact Report was previously prepared and certified in 1987 for the Business Park approvals (the

“Business Park FEIR”), which consisted of Conditional Use Permit No. 87-060-(2), Development Agreement 87-060-(2), and Parcel Map No. 18568. In connection with the proposed Project, the Applicant proposes to remove the approximately five-acre site proposed for residential uses from the Business Park Development Agreement and Conditional Use Permit and has submitted applications for a Development Agreement Amendment and new Conditional Use Permit for the Business Park. Lot Line Adjustment No. 101526 was approved for the five-acre site of the proposed residential uses (the “Residential Project”) in June 2003.

The Applicant originally proposed to construct a 450-unit project with 1.8 parking spaces per unit including guest spaces. In response to comments received during the public hearing process, the Applicant reduced the proposed number of units to 430 and increased the proposed parking (1.9 parking spaces per unit) to comply with County Code requirements for multi-family projects in other zones. In addition, the Project was revised to include contributions totaling \$321,500 in excess of standard development fees towards community benefits as follows: \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; \$30,000 to the Wiseburn Library to incorporate and maintain extracurricular activities for children; and \$150,000 to establish a Neighborhood Benefits Fund, which may be used to address community concerns related to traffic, parking, neighborhood security, parks and recreation, and day care.

The proposed Residential Project, as revised during the public hearing process, consists of 430 residential units in two buildings, with two subterranean parking garages comprising 805 parking spaces for the 430 units as proposed, including guest parking. Proposed floor plans range in size from studios, containing approximately 500 square feet, to three-bedroom units of approximately 1,500 square feet. Amenities include an office, lounge and lobby, as well as pools, a spa, a fitness center, a media center, a business center and a conference room.

To implement the Project, the entitlements required by the County include the Development Agreement Amendment and new Conditional Use Permit for the Business Park, described above, as well as a General Plan Amendment to change the underlying land use designation of the Residential Project Site in the Land Use Policy Map from “low-density residential” to “high-density residential,” a Zone Change from the existing zoning designation of “Manufacturing-Planned Development” to “Residential Planned Development,” a new Conditional Use Permit for the residential community, and a variance from the 50 percent lot coverage requirement within the RPD Zone to allow up to 55 percent lot coverage by structures. Subsequent to the County approvals, the following additional approvals may be required: Review and approval of construction permits and plans, approval of a Rule 403 fugitive dust control plan by the South Coast Air Quality Management District (“SCAQMD”); approval of a Stormwater Pollution Prevention Plan by the Regional Water Quality Control Board (“RWQCB”); and approval of other discretionary and non-discretionary actions that may be necessary to implement the Project.

PROJECT OBJECTIVES

CEQA and the CEQA Guidelines require that an environmental impact report include a statement of the objectives sought by a proposed project. The FSEIR identified the objectives for the Project as follows:

1. Contribute 430 residential units within Los Angeles County through creation of a multi-story, market-rate residential community, which is consistent with the Housing Element of the County's General Plan, and in an area afforded all necessary municipal services.
2. Facilitate the use of alternative modes of transportation by placing residential uses near a major employment center and local transit service.
3. Make contribution towards improving the jobs-housing balance within the County of Los Angeles and the Del Aire community specifically, by providing 430 residential units adjacent to employment opportunities.
4. Create a 450,000-square foot residential project with on-site amenities to serve residents and guests, including recreational facilities, a business center, and adequate parking.
5. Develop a residential project of less intensity than the commercial uses previously approved for the site.
6. Develop an underutilized parcel of land to establish a more concentrated pattern of development.
7. Encourage land uses in an area presently served by municipal services and facilities and encourage mixed land use and housing within an urban infill area.

THE ENVIRONMENTAL IMPACT REPORT

The County of Los Angeles Department of Regional Planning prepared an Initial Study of the proposed Project describing the potentially significant environmental impacts. The Initial Study was circulated as a component of the Notice of Preparation ("NOP") on January 23, 2004. The Initial Study concluded that environmental considerations and resources could be significantly impacted by construction and operation of the Project. Based on this Initial Study, the County determined that a Supplemental Environmental Impact Report ("SEIR") would be prepared. The analysis contained within the Initial Study and the information gathered during the public comment period of the NOP identified the following areas of potential impact to be discussed in the SEIR:

- Land Use and Planning
- Noise
- Traffic and Circulation

- Air Quality
- Public Services – Education (Schools and Libraries)
- Public Services – Parks and Recreation

The DSEIR analyzed both Project and cumulative effects of the Project on all of these topics and identified a number of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed Project.

The DSEIR also discussed a range of potential alternatives to the proposed Project, including: (1) No Project – No Development, (2) Existing Entitlements, and (3) Reduced Density. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. This range of reasonable alternatives has permitted a reasoned choice to be made by the Board in directing specific design changes to the proposed Project. The Board has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own internal departmental review and analysis of the proposed Project through the screen check process, the Los Angeles County Department of Regional Planning circulated copies of the preliminary DSEIR to all affected County agencies for a 30-day review period beginning in February 2004. Interested County agencies provided written comments on the document, and those comments were appended to and made a part of the DSEIR.

The DSEIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on June 29, 2004, when a Notice of Completion was sent to the State Clearinghouse, and ended on August 12, 2004. A Notice of Availability of the DSEIR was published in the *Daily Breeze and La Opinion* and was sent to property owners within a 500-foot radius of the 30-acre Business Park in which the five-acre Residential Project site is located and to known interested individuals and organizations. Copies of the DSEIR were also made available at the Regional Planning Department, and the Lennox, Hawthorne, and Wiseburn Libraries.

The Regional Planning Commission ("Commission") held public hearings on September 1, September 20, October 6, and November 3, 2004, and closed the public hearing before the Commission on October 6. The Commission also drove by the project site on September 20, after which a public hearing was held within the Del Aire community at the Anza School.

On February 2, 2005, the Commission made the following environmental findings and certified the FSEIR and adopted orders approving the two Conditional Use Permits and the Variance and recommended approval of the General Plan Amendment, the Zone Change, and the Development Agreement Amendment.

The Board held a public hearing on March 22, 2005, whereupon the Board closed the public hearing as to CEQA comments. The Board held a subsequent public hearing on April 26, 2005.

Detailed responses to the comments received regarding the Project and the analyses of the FSEIR were prepared with the assistance of a private consultant, reviewed, and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to comments are embodied in the FSEIR.

On May 24, 2005, the Board made the following environmental findings and certified the FSEIR and adopted orders approving the two Conditional Use Permits, the Variance, the General Plan Amendment, the Zone Change, and the Development Agreement Amendment.

The FSEIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for the implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has reviewed and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

ORGANIZATION/FORMAT OF FINDINGS

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a level of insignificance. Section 2 discusses the significant environmental effects of the Project, which cannot be feasibly mitigated to a level of insignificance. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the FSEIR. Section 5 discusses the mitigation-monitoring program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the Section 21082.1(c)(3) findings. Section 8 contains the Section 21082.1 findings. Section 9 contains the Section 21081.6(a)(2) findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

TYPE OF EIR USED FOR THE PROJECT

The SEIR is a Supplement to an EIR, referred to as a Supplemental EIR, as defined by Section 15163 of the State CEQA Guidelines. A Supplemental EIR may be prepared when an EIR has been certified for a project, any of the conditions described in Section 15162 of the State CEQA Guidelines would require the preparation of a Subsequent EIR, and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The conditions described in Section 15162 are: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the

previous EIR was certified as complete or the negative declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The SEIR incorporates by reference the Business Park FEIR, but adequately analyzes the implementation (i.e., buildout) of the proposed uses and includes an analysis of, and mitigation for, the potential environmental impacts associated with the Project.

SECTION 1.

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All FSEIR mitigation measures (as set forth in the Mitigation Monitoring Plans attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project.

The Board has determined, based on the FSEIR, that these mitigation measures and conditions of approval will result in a substantial mitigation of the effects of the Project on land use and planning, traffic and circulation, noise, air quality, schools and parks and recreation and that those effects are not significant or have been mitigated to a level of insignificance.

1.1. LAND USE AND PLANNING

1.1.1. POTENTIAL PROJECT IMPACTS. Impacts on Land Use and Planning are discussed in Section 4.1 of the DSEIR. The five-acre Residential Project site lies within the 30-acre Business Park, for which Conditional Use Permit No. 87-060-(2), Development Agreement No. 87-060-(2) and Parcel Map 18568 were previously approved in 1987. Although the site is approved for a mixed-use office park, residential uses are not expressly included in the uses originally approved by the County within the Business Park. To allow the Business Park to continue operating subject to its existing approvals while permitting residential uses to occur on the five-acre site, the Project will amend Development Agreement No. 87-060-(2) and obtain new Conditional Use Permit No. 04-114-(2) to remove the Project site from the legal descriptions describing the property to which those approvals apply (the "Business Park Amendments"), and obtain new Conditional Use Permit No. 03-139 to address the residential uses on the five-acre Project site. In addition, the Business Park Amendments will revise the existing Development Agreement and Conditional Use Permit for the Business Park (1) to reserve 100,000 square feet of floor area to be built out within the Business Park by decreasing the total maximum permitted floor area from 1,500,000 to 801,000 square feet; (2) to eliminate the requirement to provide a jogging path within the Business Park; (3) to eliminate the requirement to provide a gymnasium as part of the final phase of the Business Park; (4) to eliminate the requirement to provide a day care center as part of the final phase of the Business Park; and (5) to allow for "up to" two monument signs at the intersection of Pacific Concourse Drive and La Cienega Boulevard.

In addition, the current land use designation depicted for the site on the Land Use Policy Map of the General Plan is "Low-Density Residential," which typically describes areas suitable for single family housing units at densities which typically range from one to six units per gross acre. The proposed Residential Project, however, proposes a density of approximately 88 units per gross acre. To allow the Residential Project density, a General Plan Amendment is proposed to change the designation for the five-acre site to "High Density Residential." The prior approvals for the Business Park did not require a General Plan Amendment because, as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than fifty acres are generally not shown." The

proposed Business Park Amendments are intended to allow continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlement, and do not create any inconsistencies. The proposed Residential Project requires discussion and evaluation of consistency with a number of General Plan policies and goals contained in the Land Use and Housing Elements.

The current zoning for the site is Manufacturing Planned Development (“MPD”), which is inconsistent with the proposed residential uses. The Residential Project requires and proposes a Zone Change from MPD to Residential Planned Development (“RPD”). More specifically, the Applicant proposes a Zone Change from MPD to RPD-88u to allow for up to 88 units per acre to be developed at the 5-acre site. The requested density also requires a Conditional Use Permit under Los Angeles County Planning and Zoning Code (the “Code”) Section 22.20.460. The Code further requires that the area proposed to be zoned RPD contain at least five acres. The area to be zoned RPD contains more than 5 gross acres, including relevant parcels and easements. The Code also requires that at least 30 percent of the net area to be zoned RPD be open space; provided however, that where the applicant submits evidence that the particular development will contain compensatory characteristics which will provide for planned unit development within the interest of the Code, such requirements may be modified. In addition, open space may include common open space developed for recreational purposes and designated for the use and enjoyment of all of the occupants of the planned residential development. Of the 172,160 square feet of net area of development, the Residential Project includes 51,785 square feet of open space, which meets the 30 percent requirement. The Code also requires that in granting a conditional use permit for a planned residential development, the hearing officer shall require parking for such uses in an amount adequate to prevent traffic congestion and excessive onstreet parking. The proposed Residential Project will comply with Code requirements for multi-family projects in non-RPD zones, resulting in a total of 805 parking spaces for the 430 units as proposed, including guest parking. The Code also requires that buildings within an area zoned RPD not occupy more than 50 percent of the net area, not counting common recreational buildings. Because the Residential Project buildings would include approximately 52 percent of the net area, a Variance from this requirement to allow for up to 55 percent building coverage is required.

The Residential Project would also require the off-site transport of over 100,000 cubic yards of grading. Pursuant to Section 22.56.210 of the Code, the Conditional Use Permit for the residential site will also address the off-site transport related to grading activities.

1.1.2. POTENTIAL CUMULATIVE IMPACTS. Buildout of the County’s General Plan will change the intensity of land uses in the planning area, which will result in a more concentrated urban pattern of development and could lead to cumulative impacts on land use and planning.

1.1.3. FINDINGS. No significant impacts are anticipated as a result of the Project and no mitigation measures are required. Similarly, no significant impacts are anticipated as a result of cumulative development within the County considering that the unincorporated area in the project vicinity is essentially built out.

1.1.4. FACTS IN SUPPORT OF FINDINGS. The above findings regarding Land Use

and Planning impacts are made for the following reasons:

(1) The Business Park FEIR found that the Business Park was considered urban infill and that the development standards, use restrictions, and conditions of approval as set forth in Conditional Use Permit 87-060-(2) would guide future site development in a manner ensuring compatibility with existing and anticipated land uses in the surrounding area. The Business Park was found to be consistent with the underlying General Plan designation of Low Density Residential because land use patterns less than 50 acres in size could not be determined to be accurate on the Land Use Policy Map due to the scale of the map. The Business Park Amendments will not create any inconsistencies with the General Plan and no General Plan amendment is required for the Business Park Amendments.

(2) An amendment to the Land Use Policy Map from “Low Density Residential” to “High Density Residential,” a Zone Change from MPD to RPD, and a Conditional Use Permit are proposed for the five-acre proposed Residential Project site.

(3) The proposed amendments to Development Agreement No. 87-060-(2) and the approval of Conditional Use Permit No. 04-114, which will replace Conditional Use Permit No. 87-060-(2), will eliminate any potential non-compliance with the existing Business Park approvals associated with the proposed residential uses. The Project will not otherwise result in any non-compliance with the existing Business Park approvals.

(4) The requirement to provide a gymnasium as part of the last phase of development within the Business Park has been satisfied with earlier development. A 2,500 square foot gymnasium was constructed as part of the first phase of the Business Park and satisfies the gymnasium requirement contained in Development Agreement No. 87-060-(2), Conditional Use Permit No. 87-060-(2) and Conditional Use Permit No. 04-114.

(5) The temporary jogging path currently located within the Residential Project site is infrequently used. As more fully described in the FSEIR, elimination of the jogging path does not significantly impact recreation, given availability of treadmill and other equipment in the Business Park gym and the overall reduction of square footage to be developed for Business Park uses, which might otherwise trigger the need for recreational amenities. Any recreational needs triggered by the Residential Project will be met with the following Project features: a fitness room, pools, a spa, courtyards, and other passive recreational amenities, such as benches and tables. In addition, the Applicant has agreed to contribute \$66,500 to the Wiseburn School District towards the purchase of playground equipment for the day care center located at Juan de Anza Elementary School and \$75,000 to the Wiseburn School Educational Foundation to fund, among other things, sports programs within the Wiseburn School District. In addition, the Applicant has agreed to contribute \$150,000 to establish a Neighborhood Benefits Fund, which may be expended for the purpose of supporting the Del Aire Park day care service and modernizing Del Aire Park, among other things. Expenditures must be proposed by a committee comprised of neighborhood and community representatives.

(6) The original Business Park approvals required that 2,500 square feet be “made available for lease and be suitable for tenant improvements” as a day care center. A 4,470 square foot day care facility was constructed after the Business Park was approved in 1987

within ¼ mile of the Business Park. The existing day care facility, which currently has capacity to take more students, is open to children of Business Park employees and will be open to any children who may live within the proposed Residential Project. In addition, the County Chief Administrative Office (“CAO”), Service Integration Branch, Office of Child Care found that there are a sufficient number of child care facilities within close proximity to the Business Park (within three miles). The Office identified 78 licensed child care centers and 312 licensed family child care homes within a three mile radius of the Business Park and noted that the Department of Public Social Services will shortly open the Hawthorne Center, which will serve about 100 children. In addition, as noted above, the Applicant has agreed to contribute \$66,500 to the Wiseburn School District towards the purchase of playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; and \$150,000 to establish a Neighborhood Benefits Fund, which may be expended for the purpose of supporting the Del Aire Park day care service and modernizing Del Aire Park, among other things.

(7) The Residential Project is not the final phase of development at the Business Park, as 100,000 square feet of Business Park uses will remain available within Parcels 1 and 2 of Parcel Map 18568.

(8) The Project has been evaluated for consistency with the various elements of the General Plan and the policies and goals contained therein. With the proposed Zone Change from MPD to RPD for the five-acre proposed Residential Project site and with the amendment to the Land Use Policy Map from “Low Density Residential” to “High Density Residential” to describe the five-acre proposed residential site, the zoning for the Project will be consistent with the General Plan.

(9) With the approval of Conditional Use Permit No. 03-139 and Variance No. 03-139, the Project is found to be consistent with all requirements contained in the Code for areas zoned RPD.

(10) The County will review the proposed site plan for the Project against other County development and design guidelines, which regulate permitted uses, development density, building heights, site and building design, transportation demand and neighborhood protection. In addition, all development is reviewed by County staff for consistency with Countywide land use controls and development standards during the project review and approval process.

1.2. TRAFFIC AND CIRCULATION

1.2.1. POTENTIAL PROJECT IMPACTS. The Project’s potential impacts on Traffic and Circulation are discussed in Section 4.2 of the FSEIR. In addition to the significant cumulative impacts on Traffic and Circulation (See Section 2, below), the FSEIR analyzed other potential significant Traffic and Circulation impacts associated with the Residential Project. Upon completion, the Residential Project will generate approximately 2,984 new daily vehicle trips, including about 230 new vehicle trips during the AM peak at full occupancy and 279 new vehicle trips during the PM peak hour. Additional traffic resulting from the Residential Project will cause the level of service at three of the study intersections to deteriorate slightly. For

example, the intersection of Aviation Boulevard and Imperial Highway will change from LOS B to LOS C with the addition of Project traffic, during the PM peak hour. Additionally, the intersections of La Cienega Boulevard and 120th Street, and I-405 Northbound On/Off-Ramps (east of La Cienega Boulevard) and El Segundo Boulevard will both change from LOS A to LOS B during the PM peak hour due to Project traffic. However, the additional trips generated specifically by the Project are not considered to contribute towards a significant impact at any intersection. The FSEIR does not identify any potential significant impacts to the regional transportation system or to parking. The Applicant has agreed to post signs indicating “Courthouse parking only” at the entries to the parking structure and the parking area containing 34 metered spaces of Courthouse parking along the fire lane that lies between the Residential Project site and the adjacent Courthouse property.

The Business Park FEIR predicted that construction of 720,000 square feet of office space within the five-acre Residential Project site would generate approximately 5,382 daily trips, with 801 AM peak hour trips and 787 PM peak hour trips. The Residential Project’s trip generation represents a substantial reduction in daily and peak hour traffic.

1.2.2. POTENTIAL CUMULATIVE IMPACTS. In addition to the significant cumulative impacts on Traffic and Circulation (See **Section 2**, below), the FSEIR identified potentially significant cumulative impacts at the following intersections: Aviation Boulevard and El Segundo; I-405 SB On/Off-Ramps (west of La Cienega Boulevard) and El Segundo Boulevard; La Cienega Boulevard and El Segundo Boulevard; and I-405 NB On/Off-Ramps (east of La Cienega Boulevard) and El Segundo Boulevard.

1.2.3. FINDINGS. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects of the Project upon Traffic and Circulation. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen most of the significant cumulative effects of the Project upon Traffic and Circulation.

1.2.4. FACTS IN SUPPORT OF FINDINGS. The above findings regarding Traffic and Circulation impacts are made in that the following measures will mitigate potential traffic impacts:

- 4.2-1 To minimize potential conflicts between construction activity and through traffic, the Applicant shall prepare and submit a construction traffic control plan to the County Department of Public Works for review and approval. The plan must identify all traffic control measures, signs and delineators to be implemented by the construction contractor during the duration of site preparation and construction activity. Measures likely to be used include, but are not limited to the following:
 - In areas where traffic control necessitates, the contractor would provide, post, and maintain “No Parking” and “No Stopping” signs, as directed by the County Public Works Department;

- Flagmen would be posted as needed to direct traffic during construction activity;
- No travel lane would be less than 10 feet wide; and
- “Construction Ahead” and appurtenant signs would be placed 1,000 feet in advance of all approaches to the project area, for the duration of construction.

4.2-2 Aviation Boulevard and El Segundo Boulevard – The applicant for the Proposed Residential Project shall pay their fair share towards improvements to both approaches of El Segundo Boulevard, which is located in the City of El Segundo. The eastbound approach shall be modified by converting the existing right-turn only lane to a shared through/right-turn lane. An additional through lane should be constructed for westbound traffic. Some of these improvements may require the acquisition of additional rights-of-way. However, there is no significant physical constraint to the implementation of the necessary roadway widening and/or reconfiguration of El Segundo Boulevard.

The above findings regarding Traffic and Circulation impacts are also made for the following additional reasons:

(1) The Applicant has agreed to contribute \$150,000 to establish a Neighborhood Benefits Fund, which may be expended for the purpose of conducting a traffic study for the neighborhood to identify potential traffic calming measures, improving existing medians adjacent to the neighborhood, addressing planned or proposed openings of medians, and identifying potential ways to address neighborhood parking concerns, among other things. Expenditures must be proposed by a committee comprised of neighborhood and community representatives.

(2) On October 5, 2004, the Board of Supervisors instructed the Chief Administrative Office to direct a parking management study with the Superior Courts, Interior Services Department, and Public Works in consultation with the Los Angeles Economic Development Corporation and that the Chief Administrative Office report back with any findings and recommended mitigations. On January 11, 2005, a report was received and filed by the Board of Supervisors, which found that on-site Courthouse parking is generally fully utilized, but that signage could be improved to better direct jurors and visitors to the appropriate parking locations. The report also found that a total of 28 parking spaces could be provided along La Cienega to further mitigate public parking overflow. The report concluded that the “proposed additional on-street parking in combination with the available public parking elsewhere within the Business Park with the recommended improvements in signage to inform public visitors of appropriate available parking alternatives “should substantially reduce, if not eliminate, overflow into the adjacent residential neighborhood.” The Applicant has volunteered to cooperate with Business Park efforts to manage on-site parking for the Courthouse in order to minimize overflow on-street parking within the surrounding neighborhood, to the extent such cooperation does not cause any shortage in parking for the Applicant.

(3) The Applicant has agreed to post signs indicating “Courthouse parking only” for the 34 metered spaces along the emergency access lane adjacent to the Residential Project site.

(4) The Project does not result in any unmitigated project specific Traffic and Circulation impacts. However, a cumulative impact identified in the original Business Park EIR (Section 7.1), which is described in Section 2, below, related to the Business Park and Residential Project remains unmitigated at the intersection of El Segundo Boulevard and Aviation Boulevard.

(5) The Proposed Residential Project represents a significant reduction in traffic impacts over the previously-entitled Business Park uses. The Project will result in a reduction of 2,398 net daily trips (45 percent), with associated trip reductions of 571 trips (71 percent), during the AM peak hour, and 508 trips (64 percent) during the PM peak hour. (DSEIR pages 4.2-17 through 4.2-18). In addition, the total number of residential units proposed has been reduced from 450 to 430, thereby further reducing impacts on traffic and circulation. This reduced project will result in approximately 2,851 net new daily trips, including approximately 219 trips during the AM peak hour and 267 trips during the PM peak hour (a further reduction from the entitled project of 133 daily trips, 11 AM peak hour trips, and 12 PM peak hour trips).

(6) Programmed area-wide improvements described on DSEIR pages 4.2-43 through 4.2-45, such as a traffic signal enhancement project, will result in capacity improvements that will reduce the cumulative impacts at the intersections of I-405 southbound on/off-ramps (west of La Cienega Boulevard) and El Segundo Boulevard, La Cienega Boulevard and El Segundo Boulevard, and I-405 northbound on/off-ramps (east of La Cienega Boulevard) and El Segundo Boulevard to less than significant levels. This improvement will also reduce but not fully mitigate the impact at Aviation Boulevard and El Segundo Boulevard, which is discussed in Section 2, below.

(7) As a result of comments received during the public hearings, the Applicant increased the parking for the proposed Residential Project from 1.8 spaces per unit to 1.9 parking spaces per unit in order to comply with Code requirements for multi-family projects in non-RPD zones, resulting in a total of 805 parking spaces for the 430 units as proposed, including guest parking.

1.3. NOISE

1.3.1. POTENTIAL PROJECT IMPACTS. The Project’s potential impacts on Noise are discussed in Section 4.3 of the FSEIR. The Project will introduce sensitive residential uses into the Business Park, which is close to the I-105 and I-405 freeways, as well as the Los Angeles International Airport. While increased human presence at the site may also result in noise impacts to the surrounding Business Park and residential uses, such impacts are not expected to be significant. Short-term impacts from construction noise, however, have the potential to occur.

The Business Park FEIR indicated that the five-acre Residential Project site was exposed to noise levels ranging from 58 to 60 Ldn. These noise levels were considered acceptable for the non-sensitive office uses approved for the site and no significant impacts were identified as a result of exposure to a high noise source. The Business Park FEIR also concluded that operation would cause a perceptible increase in off-site noise levels due to increased human presence and activity. However, the Business Park FEIR identified the beneficial impact associated with Business Park buildings shielding nearby homes from noise associated with vehicle traffic along I-405. Since the approval of the Business Park, the portion of the I-105 freeway has been built north of the Project site. In addition, airport activity at the Los Angeles International Airport has increased.

1.3.2. POTENTIAL CUMULATIVE IMPACTS. Development of the Project, in conjunction with other approved and pending projects in the area is not expected to increase noise levels attributable to traffic generated by cumulative development or otherwise result in cumulative Noise impacts.

1.3.3. FINDINGS. With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, potential Noise impacts from the proposed Project will be reduced to a less than significant level. No significant cumulative Noise impacts are anticipated as a result of the Project and no mitigation measures are required.

1.3.4. FACTS IN SUPPORT OF FINDINGS. The above findings regarding Noise impacts are made in that the following measure will be made a condition of approval so as to mitigate the identified impacts:

- 4.3-1 The Project shall incorporate dual pane windows into the design of all proposed residential structures.

The above findings regarding Noise impacts are also made for the following additional reasons:

(1) No sensitive receptors are located adjacent to the Residential Project site or have a clear line of sight to construction activity. (DSEIR page 4.3-13).

(2) All construction activities will be subject to the County of Los Angeles Noise Ordinance, and all applicable codes and regulations for noise control, such as Section 12.08.390 of the Code.

(3) As described on page 4.3-13 of the DSEIR, a truck haul route has been established, which will travel north on La Cienega to reach the I-105 and I-405 freeways. This route will take vehicles away from sensitive uses to the maximum extent feasible. All vehicles will be staged either within the property lines or at designated areas as established by the County-approved haul route plan.

(4) No significant noise impacts will occur as a result of hauling materials to or from the site, as such activities are periodic, restricted to daytime hours, similar in nature to existing vehicle noise, and limited to non-residential streets and areas.

(5) Increases in noise levels associated with mobile sources will not cause or contribute a significant increase in roadway noise levels or impact off-site sensitive land uses. Similarly, stationary source noises generated by Project roof-mounted mechanical equipment will not impact any on- or off-site sensitive receptors, and will be subject to the County's Noise Ordinance for Stationary Sources. Noise associated with trash pickup will be limited to daytime hours and must comply with the County's Noise Ordinance.

(6) Noise level increases attributable to traffic generated by cumulative development would be less than significant. (DSEIR page 4.3-17).

(7) The proposed Project site is located outside of the 65 dB(A) CNEL contour for the Los Angeles International Airport through the year 2015 under any of the Master Plan alternatives presently under consideration by the Los Angeles World Airport Authority. (DSEIR page 4.3-18).

1.4. AIR QUALITY

1.4.1. POTENTIAL PROJECT IMPACTS. The Project's potential impacts on Air Quality are discussed in Section 4.4 of the FSEIR. In addition to the significant impacts on construction-related Air Quality (See Section 2, below), the FSEIR analyzed several other potentially significant Air Quality impacts, which were determined to be less than significant. Development of the Project would generate air emissions from a variety of stationary and mobile sources. Stationary source emissions would be generated by on-site construction activities and equipment and consumption of natural gas and electricity once the Project is constructed. Mobile source emissions would be generated by motor vehicle travel associated with construction activities and occupancy of the Project.

1.4.2. POTENTIAL CUMULATIVE IMPACTS. Development of the Project, in conjunction with other approved and pending projects within the area, could result in a cumulative impact on Air Quality.

1.4.3. FINDINGS. No significant Air Quality impacts are anticipated as a result of the operation of the Project and no mitigation measures are required. Similarly, no significant impacts are anticipated as a result of cumulative Air Quality impacts within the County.

1.4.4. FACTS IN SUPPORT OF FINDINGS. The above findings regarding Air Quality impacts are made for the following additional reasons:

(1) The number of residential units proposed for the Project has been reduced from 450 to 430 units.

(2) Development of the Project in close proximity to alternative means of transportation and a major employment center will serve to reduce total vehicle miles traveled compared to the uses originally proposed for the proposed Residential Project site.

(2) The predicted emissions associated with the Project are substantially less than the volume of air emissions predicted for the commercial office space approved on the five-acre Residential Project site. Consequently, the Project would not increase the severity of an existing impact nor cause a new impact not previously considered and evaluated in the certified Business Park EIR. (DSEIR page 4.4-14; FSEIR section 5.0).

(3) The predicted emissions associated with the Project are below the significance thresholds established by the SCAQMD for operational impacts. Consequently, the Project would not have a significant impact to local and regional air quality on its own and would not significantly contribute to a cumulatively considerable increase of a criteria pollutant. (DSEIR page 4.4-14; FSEIR section 5.0; revised Table 4.4.3).

(4) A CO “hot spot” analysis conducted for nine study intersections concluded that the Project will not cause either the state 1-hour or 8-hour CO standards to be exceeded in the future with implementation of the Project. (DSEIR page 4.4-15).

(5) The Project does not conflict with or obstruct implementation of the applicable air quality plan; does not violate any air quality standard or contribute substantially to an existing projected air quality violation (other than construction impacts described in Section 2, below); does not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard; does not expose sensitive receptors to substantial pollutant concentrations; does not create objectionable odors affecting a substantial number of people; does not have hazardous materials on site; will not result in an accidental release of toxic air emissions or acutely hazardous materials; will not emit a toxic air contaminant regulated by SCAQMD rules or that is on a federal or state air toxic list; will not be occupied by sensitive receptors within one-quarter mile of an existing facility that emits air toxics identified in SCAQMD Rule 1401; and, will not emit carcinogenic or toxic air contaminants that individually or cumulatively exceed the maximum individual cancer risk of one in one million. (DSEIR pages 4.4-15 through 4.4-18; FSEIR section 5.0; revised Table 4.4-3).

(6) Based on the calculations contained in the Business Park EIR, construction of 720,000 square feet of Business Park uses on the Residential Project site would generate approximately 12 pounds per day of ROG, 297 pounds per day of NO_x, 45 pounds per day of CO, and 12 pounds per day of PM₁₀ without mitigation. (DSEIR page 4.4-12). Operation of approximately 720,000 square feet of Business Park uses on the Residential Project site would generate approximately 81 pounds per day of ROG, 228 pounds per day of NO_x, 820 pounds per day of CO, and 40 pounds per day of PM₁₀ without mitigation. These impacts pre-dated current SCAQMD thresholds and were found to be mitigated to less than significant levels.

(7) The SCAQMD recommends that cumulative air quality analysis methods be based on performance standards and emission reduction targets identified in the Air Quality Management Plan. If an individual project is consistent with the Air Quality Management Plan

performance standards, the project's cumulative impact should be considered less than significant. Because the Project is consistent with the Air Quality Management Plan performance standards, its cumulative impact is considered less than significant.

1.5. PUBLIC SERVICES – EDUCATION (SCHOOLS AND LIBRARIES)

1.5.1. POTENTIAL PROJECT IMPACTS. The Project's potential impacts on Education, including schools and libraries, are discussed in Section 4.5.1 of the FSEIR. The Project site is served by the Wiseburn School District and the Centinela Valley Union High School District. Although students generated by the Residential Project that will enter the Wiseburn School District can be accommodated by elementary and middle schools without the need for additional capital improvements beyond those scheduled to be completed prior to occupancy of the proposed Residential Project, high school students generated by the Residential Project, if any, would exacerbate current overcrowded conditions. The Project, however, will be required to pay standard development fees, which according to Government Code section 65996 are deemed to constitute "full and complete school fees mitigation."

Similarly, the increased demand for library services resulting from the Project is considered potentially significant unless mitigated. The Project, however, is required to pay the Library Facilities Mitigation Fee imposed by the County of Los Angeles, Section 22.72.030, to offset any significant adverse impacts of increased residential development upon public library facilities.

In addition to the mitigation fees for school and library impacts described above, which will mitigate any potentially significant impacts to an insignificant level, and in response to comments during the public hearing process, the Project was revised to include contributions totaling \$321,500 in excess of standard development fees towards community benefits (including schools and libraries) as follows: \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; \$30,000 to the Wiseburn Library to incorporate and maintain extracurricular activities for children; and \$150,000 to establish a Neighborhood Benefits Fund, which may be used to address community concerns related to traffic, parking, neighborhood security, parks and recreation, and day care.

1.5.2. POTENTIAL CUMULATIVE IMPACTS. The addition of students generated by cumulative development would exceed the capacity of the schools serving the Project area. Without mitigation, the cumulative impacts would be considered significant. Similarly, redevelopment and increasing population growth will increase demand for periodicals and library space within the service boundaries of the County Library. The effects of other projects, together with the Project, could have a significant cumulative impact on library services.

1.5.3. FINDINGS. With implementation of conditions of approval, potential impacts to Schools and Libraries from the proposed Project will be reduced to a less than significant level. Because conditions of approval will also avoid or substantially lessen the Project's contribution to the potential cumulative impacts on library services identified in the FSEIR, the cumulative impacts of related projects are not significant.

1.5.4. FACTS IN SUPPORT OF FINDINGS. The above finding regarding Schools and Libraries impacts are made for the following reasons:

(1) On September 9, 2004, the State Board of Education approved a request by the Wiseburn School District for unification. Unification will be submitted to voters within the Wiseburn School District for final approval and is likely to be approved. As a result, the above contribution to the Wiseburn School District is likely to be available to local high schools as well as middle and elementary schools.

(2) The Applicant has agreed to contribute a total of \$30,000 to a trust fund specifically and exclusively used by the Wiseburn Library to incorporate and maintain extracurricular activities for children.

(3) A condition of approval for required payment of school impact fees has been incorporated into the Project and will reduce the potential impacts identified in the FSEIR to an insignificant level.

(4) In addition to the required school impact fee, which will mitigate any potentially significant impacts to schools to an insignificant level, the Applicant has agreed voluntarily during the public hearing process to contribute \$66,500 to the Wiseburn School District towards the purchase of playground equipment for the day care center located at Juan de Anza Elementary School. In addition, the Applicant has agreed to contribute a total of \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District. In addition, the Applicant has agreed to contribute \$150,000 to establish a Neighborhood Benefits Fund, which may be expended for the purpose of supporting the Del Aire Park day care service, among other things. Expenditures must be proposed by a committee comprised of neighborhood and community representatives.

(5) A condition of approval for required payment of library impact fees has been incorporated into the Project and will reduce the potential impacts identified in the FSEIR to an insignificant level.

1.6. PUBLIC SERVICES – PARKS AND RECREATION

1.6.1. POTENTIAL PROJECT IMPACTS. The Project's potential impacts on Parks and Recreation are discussed in Section 4.5.2 of the FSEIR. The introduction of residential uses at the Business Park will increase demand for recreational facilities. And although the square footage of the Business Park is being reduced from 1,500,000 to 801,000, the Business Park Amendments will also eliminate an existing requirement to include a jogging path within the Business Park. In addition, the Business Park Amendments will eliminate the requirement to provide a gymnasium within the last phase of the Business Park development.

1.6.2. POTENTIAL CUMULATIVE IMPACTS. Projected growth within Los Angeles County will continue to increase the demand placed on parks and recreation facilities. The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on parks and recreation.

1.6.3. FINDINGS. With implementation of the mitigation measure identified in this section, conditions of approval and design features incorporated into the Project, potential Parks and Recreation impacts from the proposed Project will be reduced to a less than significant level. Because conditions of approval and design features incorporated into the Project will avoid or substantially lessen the Project's contribution to the potential cumulative effects on parks and recreation identified in the FSEIR, the cumulative impacts of related projects are not significant.

1.6.4. FACTS IN SUPPORT OF FINDINGS. The above findings regarding Parks and Recreation impacts are made in that the following measure will be made a condition of approval so as to mitigate the identified impacts:

- 4.5-1 The Residential Project shall include recreational amenities available to residents and guests, such as pools, a spa, and an on-site fitness center as depicted in the site plan.

The above findings regarding Parks and Recreation impacts are also made for the following additional reasons:

(1) The demand for recreational opportunities created by the proposed Residential Project will be fully mitigated through the construction of on-site recreational amenities in the form of a fitness center, pools and a spa available for residents and guests. It is expected that residents will only use local parks when athletic fields or play equipment are required.

(2) Although the Business Park Amendments will eliminate the requirement to include a jogging path within the Business Park and a gymnasium with the last phase of development, a 2,500 square foot gymnasium, which is open to all Business Park employees and contains fitness equipment and locker facilities, was constructed as part of the first phase of development. In addition, the square footage of the Business Park is being reduced from 1,500,000 to 801,000, thereby reducing the demand for recreational uses within the Business Park.

(3) The temporary jogging path currently located within the Residential Project site is infrequently used. As more fully described in the FSEIR, elimination of a jogging path does not significantly impact recreation, given availability of treadmill and other equipment in the Business Park gym and the overall reduction of square footage to be developed for Business Park uses, which might otherwise trigger the need for recreational amenities.

(4) Any recreational needs triggered by the Residential Project will be met with the following Project features: a fitness room, pools, a spa, courtyards, and other passive recreational amenities, such as benches and tables.

(5) In addition to on-site recreational amenities, which will reduce any potential impacts on parks and recreation to an insignificant level, the Applicant has agreed voluntarily during the public hearing process to contribute \$66,500 to the Wiseburn School District towards the purchase of playground equipment for the day care center located at Juan de

Anza Elementary School and \$75,000 to the Wiseburn School Educational Foundation to fund, among other things, sports programs within the Wiseburn School District. In addition, the Applicant has agreed to contribute \$150,000 to establish a Neighborhood Benefits Fund, which may be expended for the purpose of supporting the Del Aire Park day care service and modernizing Del Aire Park, among other things. Expenditures must be proposed by a committee comprised of neighborhood and community representatives.

SECTION 2.

SIGNIFICANT EFFECTS WHICH REMAIN SIGNIFICANT AFTER MITIGATION MEASURES

The County has determined that, although FSEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will provide a substantial mitigation of the following effects, these effects cannot be feasibly or effectively mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6) to substantiate the County's decision to accept these unavoidable substantial, adverse environmental effects because of the benefits afforded by the Project.

2.1. TRAFFIC AND CIRCULATION – CUMULATIVE IMPACTS

2.1.1. POTENTIAL CUMULATIVE IMPACTS. The potential cumulative impacts on Traffic and Circulation are discussed in Section 4.2 of the DSEIR. Although as discussed in Section 1, above, the Project will not result in any Project-specific impacts to traffic and circulation, traffic resulting from pending and approved projects in the vicinity of the Project could have a potentially significant impact on area traffic and circulation, including freeway segments.

The Business Park FEIR found that full buildout of the Business Park in conjunction with cumulative development would significantly impact a number of intersections in the Business Park vicinity. Under that analysis, most of the cumulative impacts could not be mitigated, and a Statement of Overriding Considerations was prepared to address the unavoidable significant impacts. That Statement of Overriding Considerations stated that the job creation associated with the Business Park provided economic benefits that outweighed the related impacts to transportation and circulation.

2.1.2. FINDINGS. The cumulative Traffic and Circulation impacts identified in the FSEIR cannot be mitigated to a level of insignificance. However, mitigation measures and conditions of approval will reduce, to the extent feasible, the adverse environmental impacts of cumulative Traffic and Circulation impacts. Project-related Traffic and Circulation Impacts, however, would be less than significant.

2.1.3. FACTS IN SUPPORT OF FINDINGS. The above findings are made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following mitigation measure will partially mitigate the identified impacts:

- 4.2-2 Aviation Boulevard at El Segundo Boulevard – The applicant for the Proposed Residential Project shall pay their fair share towards improvements to both approaches of El Segundo Boulevard, which is located in the City of El Segundo. The eastbound approach shall be

modified by converting the existing right-turn only lane to a shared through/right-turn lane. An additional through lane should be constructed for westbound traffic. Some of these improvements may require the acquisition of additional rights-of-way. However, there is no significant physical constraint to the implementation of the necessary roadway widening and/or reconfiguration of El Segundo Boulevard.

The above finding regarding Traffic and Circulation impacts is also made for the following additional reasons:

(1) As described on pages 4.2-43 through 4.2-45 of the DSEIR, a number of regional and local roadway capacity improvements are programmed for the study area by Los Angeles County and/or other local jurisdictions that would reduce most, if not all, cumulative impacts of future area development, including the proposed Project, to less than significant levels during both peak hours. These measures will improve traffic flow at several intersections to better than existing conditions, although LOS F operations are forecast to continue during both peak hours at the intersection of Aviation Boulevard and El Segundo Boulevard after the recommended improvements. (DSEIR page 4.2-45).

(2) The Proposed Residential Project represents a considerable reduction in traffic impacts, including cumulative impacts, over the previously-entitled Business Park uses. The Project will result in a reduction of 2,398 net daily trips (45 percent), with associated trip reductions of 571 trips (71 percent), during the AM peak hour, and 508 trips (64 percent) during the PM peak hour. (DSEIR pages 4.2-17 through 4.2-18). In addition, the total number of residential units proposed has been reduced from 450 to 430, thereby further reducing impacts on traffic and circulation. This reduced project will result in approximately 2,851 net new daily trips, including approximately 219 trips during the AM peak hour and 267 trips during the PM peak hour (a further reduction from the entitled project of 133 daily trips, 11 AM peak hour trips, and 12 PM peak hour trips).

2.2. AIR QUALITY – CONSTRUCTION IMPACTS

2.2.1. POTENTIAL PROJECT IMPACTS. The Project's potential impacts on Air Quality are discussed in Section 4.4 of the DSEIR and in Section 1, above. None of the operational Air Quality impacts related to the Project would cause a significant impact. However, although implementation of all feasible mitigation measures would reduce the magnitude of construction related impacts to the extent feasible, implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationary sources, heavy equipment, construction vehicle use and energy use.

2.2.2. FINDINGS. The construction Air Quality impacts identified in the DSEIR cannot be mitigated to a level of insignificance. However, mitigation measures and conditions of approval will reduce, to the extent feasible, the adverse environmental impacts of construction Air Quality impacts. Operational Air Quality Impacts, however, would be less than significant.

2.2.3. FACTS IN SUPPORT OF FINDINGS. The above findings are made in

conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following mitigation measures will partially mitigate the identified impacts:

- 4.4-1 The Applicant shall prepare a fugitive dust control plan that meets the requirements outlined in SCAQMD Rule 403. The plan shall be submitted for review and approval of the SCAQMD prior to issuance of grading permits. The plan shall include, but is not limited to, the following:
- Trucks hauling dirt shall be covered and shall maintain at least two feet of freeboard.
 - Streets shall be swept if visible soil material is carried onto adjacent public paved roads.
 - Install wheel washers where vehicles enter and exit unpaved roads, or wash off trucks and any equipment leaving the site each trip.
 - Apply soil stabilizers to inactive areas.
 - Replace groundcover in disturbed areas quickly.
 - Water exposed surfaces two times daily or as necessary.
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activities.
- 4.4-2 Construction contracts shall contain provisions requiring that contractors maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules to minimize exhaust emissions.
- 4.4-3 Suspend use of all construction equipment operations during second stage smog alerts.
- 4.4-4 Use electricity from power poles rather than temporary diesel generators when feasible.
- 4.4-5 Painting contractors shall utilize zero or low VOC content paints and solvents to the extent feasible. The following SCAQMD website lists manufacturers who supply interior and exterior zero VOC paints:
<http://www.aqmd.Gov/business/brochures/zerovoc.htm>.

- 4.4-6 The contractor shall implement a shuttle service to and from food establishments during lunch hours.
- 4.4-7 The contractor shall develop a traffic construction management plan to avoid congestion on local streets and minimize truck idling times. The plan shall include the following components:
- Use of signs and delineators identifying the presence of a construction zone;
 - Use of flagmen to control vehicle traffic and improve traffic flow;
 - Identification of a haul route designed to avoid construction traffic on residential streets; and
 - Limitations on truck idling.

The above findings regarding Air Quality impacts are also made for the following additional reasons:

(1) Although the Business Park FEIR did not identify any significant air quality impacts, the SCAQMD adopted standards subsequent to the approval of the Business Park, which, if applied to the Business Park, would conclude that the Business Park would result in significant Air Quality construction impacts. Specifically, the Business Park EIR found that construction of 1.5 million square feet of office space would generate approximately 26 pounds per day of ROG, 620 pounds per day of NO_x, 118 pounds per day of CO, and 32 pounds per day of PM₁₀ without mitigation. (DSEIR page 4.4-12). SCAQMD thresholds for construction are 75 pounds per day of ROG, 100 pounds per day of NO_x, 550 pounds per day of CO, and 150 pounds per day of PM₁₀. On an operational basis, the Business Park EIR concluded that 1.5 million square feet of Business Park uses would generate approximately 170 pounds per day of ROG, 476 pounds per day of NO_x, 1,710 pounds per day of CO, and 84 pounds per day of PM₁₀ without mitigation. SCAQMD thresholds for operational emissions are 75 pounds per day of ROG, 100 pounds per day of NO_x, 550 pounds per day of CO, and 150 pounds per day of PM₁₀. These impacts pre-dated current SCAQMD thresholds and were found to be mitigated to less than significant levels.

(2) Based on the calculations contained in the Business Park EIR, construction of 720,000 square feet of Business Park uses on the Residential Project site would generate approximately 12 pounds per day of ROG, 297 pounds per day of NO_x, 45 pounds per day of CO, and 12 pounds per day of PM₁₀ without mitigation.

SECTION 3.

GROWTH INDUCING IMPACTS OF THE PROJECT

Section 15126.2(d) of the CEQA Guidelines requires consideration of the ways that a proposed project could be considered growth-inducing. A project is growth-inducing if it fosters economic or population growth, or the construction of additional housing in the surrounding environment. Growth-inducing impacts are evaluated according to criteria set forth in the Guidelines that evaluate whether projects will: remove obstacles to population growth, increase population so as to further tax community serving facilities, or encourage and facilitate other activities that would significantly affect the environment. Growth-inducing impacts associated with the Project are analyzed according to the Guidelines criteria in Section 7 of the FSEIR.

3.0.1. FINDING. The proposed Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the proposed Project may be considered as not growth inducing.

3.0.2. FACTS IN SUPPORT OF FINDINGS. The following facts support the above finding:

(1) Removal of an Impediment to Growth. Growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services (e.g., water service). As it relates to the Project, a network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. In the case of water, development of the Project requires the construction of a system designed to convey and distribute potable water to uses contained in the site. The construction of this distribution system would involve connection to existing water mains located within the surrounding roadway network that serve existing urban uses surrounding the site. No new water mains are to be constructed. Similarly, wastewater will be conveyed and treated by existing collection and treatment facilities, which have adequate capacity to accommodate project generated wastewater. Electricity and natural gas transmission infrastructure presently exist in the immediate area to serve existing urbanized uses. Development of the Project would necessitate the construction of a distribution system to convey this energy to uses on the Project site and relocation of existing systems, but these systems would be designed to accommodate uses included within the Project, and would not extend beyond the requirements or boundary of the Project site. Given the existence of established energy transmission lines in the Project area, no growth-inducing impacts are expected with regard to this type of infrastructure. Finally, an established transportation network presently exists in the area, which offers the project area and surrounding uses local and regional access.

(2) Urbanization of Land in Remote Locations (Leap-Frog Development). The Project is situated within the previously approved and already developed Business Park. The project is surrounded by developed uses and represents infill development that will complete

the existing pattern of development in the area. As a result, the Project will not “leapfrog” over any undeveloped areas or introduce development into a previously undeveloped area.

(3) Economic Growth. Project development would increase population, housing and employment opportunities in Del Aire. As a result of the increase in population, the Project can be expected to generate increased demand for goods and services. It is expected that the demand for goods and services can be met by existing local and regional commercial uses found within the area. Short-term construction employment opportunities are likely to be filled by the existing Los Angeles metropolitan labor market. Given the relative size of the proposed project and the number of residents anticipated at buildout, it is expected that new residents seeking employment could be absorbed by the existing employment opportunities in the area. Therefore, it is not anticipated that the Project would induce growth in commercial, industrial, and office development on presently undeveloped property in the County. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by the Southern California Association of Governments. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action. The Project requires a number of discretionary actions on the part of the Department of Regional Planning, Planning Commission, and the Board of Supervisors. Although 100,000 square feet of development would remain available within the Business Park after the Project is developed, that remaining development would be limited to business park uses, and would not include a residential component unless additional approvals were sought and obtained from the County. Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4.

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed Project described in the DSEIR were analyzed and considered. The alternatives discussed in the FSEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The FSEIR concluded that the Reduced Density Alternative was the environmentally superior alternative, but instead recommended the proposed Project with the FSEIR mitigation measures. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations is hereby adopted (see Section 6) to substantiate the County's decision to reject the environmentally superior alternative because of the benefits afforded by the Project, as well as other reasons set forth in Section 6.

Section 2.4 of the FSEIR sets forth the Project Objectives. The Project Objectives are also set forth above starting on page 2.

For the reasons set forth below, it is determined that these alternatives are infeasible, would not achieve the Applicant's objectives, do not reduce any of the unmitigable significant impacts to a less than significant level, and/or offer no substantial benefits as compared to the Project as proposed.

4.1. ALTERNATIVE 1 - NO PROJECT NO DEVELOPMENT ALTERNATIVE

4.1.1. DESCRIPTION OF ALTERNATIVE. Under the No Project No Development Alternative, the proposed Project would not be constructed and the Project site would remain vacant. An analysis of this alternative is required by the CEQA Guidelines.

4.1.2. COMPARISON OF EFFECTS. The No Project Alternative would avoid virtually all environmental impacts identified in the FSEIR. However, this alternative would not encourage mixed land use within urban infill areas presently served by municipal services and facilities and, therefore, retain jobs and investments in the urbanized area and establish a more concentrated pattern of development throughout revitalization of existing urban areas. In addition, this alternative does not meet any of the objectives for the proposed Project. (DSEIR page 5.0-3).

4.1.3. FEASIBILITY FINDING. The No Project Alternative is not preferred because this alternative fails to meet the objectives identified in the FSEIR or provide any of the benefits as set forth therein and is not feasible. (DSEIR page 5.0-3).

4.1.4. FACTS IN SUPPORT OF FINDING. The No Project Alternative would not contribute any units towards satisfying the need for housing in Los Angeles County, would not facilitate the use of alternative modes of transportation by placing residential uses near to a major employment center and local transit service, would not make any contribution towards improving the jobs-housing balance within the County and the Del Aire community, would not create a residential project with all necessary on-site amenities to serve residents and guests, would not develop an underutilized parcel of land to establish a more concentrated pattern of development, and would not encourage land uses in an area presently served by municipal

services and facilities and encourage mixed land use and housing within an urban infill area. In addition, the No Project Alternative would not allow the Applicant any return on its investment in the Project site. In addition, the No Project Alternative would not eliminate the significant unmitigable impacts associated with cumulative traffic.

Further, the No Project Alternative would not result in the community benefits agreed to by the Applicant during the public hearing process. In response to comments, the Applicant revised the Project to include contributions totaling \$321,500 in excess of standard development fees towards community benefits as follows: \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; \$30,000 to the Wiseburn Library to incorporate and maintain extracurricular activities for children; and \$150,000 to establish a Neighborhood Benefits Fund, which may be used to address community concerns related to traffic, parking, neighborhood security, parks and recreation, and day care. The No Project Alternative would not achieve these benefits.

4.2. ALTERNATIVE 2 – EXISTING ENTITLEMENT ALTERNATIVE

4.2.1. DESCRIPTION OF ALTERNATIVE. The Existing Entitlement Alternative would develop the five-acre Project site with approximately 720,000 square feet of office space, as permitted under the existing County approvals. Under this alternative, three separate office buildings and a parking structure with a maximum height of 200 feet would be constructed around a central courtyard. Parking would be provided in a parking structure and a lot fronting La Cienega Boulevard. Two driveways along La Cienega Boulevard and a third driveway along Pacific Concourse Drive would provide access to the site.

4.2.2. COMPARISON OF EFFECTS. The Existing Entitlement Alternative would result in impacts greater than the proposed Project in Traffic and Circulation, Noise, and Air Quality. The Existing Entitlement Alternative would generate approximately 5,382 daily trips, with 801 AM peak hour trips and 787 PM peak hour trips. This alternative would also result in significant cumulative impacts at 12 intersections, some of which could not be mitigated. By comparison, the proposed Project would result in approximately 2,984 new daily vehicle trips, including about 230 new vehicle trips during the AM peak at full occupancy and 279 new vehicle trips during the PM peak hour. Thus, the Project represents a reduction of 2,398 net daily trips (45 percent), with associated trip reductions of 571 trips (71 percent) during the AM peak hour, and 508 trips (64 percent) during the PM peak hour compared to the Existing Entitlement Alternative. In addition, the total number of residential units proposed has been reduced from 450 to 430, thereby further reducing impacts on traffic and circulation. This reduced project will result in approximately 2,851 net new daily trips, including approximately 219 trips during the AM peak hour and 267 trips during the PM peak hour (a further reduction from the entitled project of 133 daily trips, 11 AM peak hour trips, and 12 PM peak hour trips).

Although construction noise impacts would be similar to the Project because the same County noise controls would apply, off-site noise levels along local roadways are expected to be greater due to the additional trips related to the Existing Entitlement Alternative. The

Existing Entitlement Alternative would also result in substantially greater air quality impacts than the proposed Project, both in terms of operational and construction impacts.

The Existing Entitlement Alternative would result in impacts that are lesser than the proposed Project in Education and Parks and Recreation.

4.2.3. FEASIBILITY FINDING. The Existing Entitlement Alternative is not preferred because this alternative fails to meet the objectives identified in the FSEIR or provide any of the benefits as set forth therein and is not feasible.

4.2.4. FACTS IN SUPPORT OF FINDING. The Existing Entitlement Alternative would not contribute any residential units towards satisfying the need for housing in Los Angeles County, would not facilitate the use of alternative modes of transportation by placing residential uses near to a major employment center and local transit service, would not make any contribution towards improving the jobs-housing balance within the County and the Del Aire community, would not create a residential project with all necessary on-site amenities to serve residents and guests, would not develop a residential project of less intensity than the commercial uses previously entitled for the site, and would not encourage mixed land use and housing within an urban infill area. In addition, the Existing Entitlement Alternative would not eliminate any of the significant unmitigable impacts associated with the Project.

Further, the Existing Entitlement Alternative would not result in the community benefits agreed to by the Applicant during the public hearing process. In response to comments, the Applicant revised the Project to include contributions totaling \$321,500 in excess of standard development fees towards community benefits as follows: \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; \$30,000 to the Wiseburn Library to incorporate and maintain extracurricular activities for children; and \$150,000 to establish a Neighborhood Benefits Fund, which may be used to address community concerns related to traffic, parking, neighborhood security, parks and recreation, and day care. The Existing Entitlement Alternative would not achieve these benefits.

4.3. ALTERNATIVE 3 – REDUCED DENSITY ALTERNATIVE

4.3.1. DESCRIPTION OF ALTERNATIVE. The Reduced Density Alternative would reduce the density of the Residential Project by 50 percent, decreasing the total number of dwelling units to 225. The site plan would be similar to the proposed Project, similar building types would be utilized, and parking would remain underground.

4.3.2. COMPARISON OF EFFECTS. Because parking would remain underground, this alternative would involve a similar amount of grading and construction activity. The duration of construction would be less as a result of the less intensive development, but only slightly. As such, construction related air quality impacts would be less, but still would not be reduced to a level below significant. Construction noise impacts would be similar to the Project because the same County noise controls would apply. Operational impacts (noise, air quality, traffic, schools, and libraries) would be less because of the smaller increase in population

associated with fewer units.

The primary benefit of this alternative is a reduction in the impact on traffic and air quality. However, neither of these impacts would be reduced to a level below significant. In addition, this alternative would also result in fewer impacts to education, libraries, and parks and recreation.

4.3.3. FEASIBILITY FINDING. The Reduced Density Alternative is not preferred because this alternative fails to meet the Applicant's objectives of contributing 430 residential units towards satisfying County housing needs and to be adjacent to employment opportunities, and creating a 450,000-square foot residential project. In addition, the Reduced Density Alternative fails to maximize the benefits of the proposed Project and is not economically feasible.

4.3.4. FACTS IN SUPPORT OF FINDING. The benefits of reducing air quality and traffic and circulation impacts are accompanied by the fact that the Reduced Density Alternative fails to provide as much new housing responsive to market demand in an appropriate area and fails to meet several project objectives or maximize the Project benefits. More specifically, the Reduced Density Alternative would not contribute 430 residential units towards satisfying the need for housing in Los Angeles County, would not make as significant a contribution towards improving the jobs-housing balance within the County and the Del Aire community by providing 430 residential units adjacent to employment opportunities, and would not create a 450,000 square foot residential project with all necessary on-site amenities to serve residents and guests. In addition, the Reduced Density Alternative would not eliminate any of the significant unmitigable impacts associated with the Project. Moreover, many of the costs associated with the proposed Project (such as the cost of acquiring the land and construction activities such as soil excavation and shoring for subterranean parking) would not be significantly reduced, if at all, with the Reduced Density Alternative.

Further, the Reduced Density Alternative would not result in the community benefits agreed to by the Applicant during the public hearing process. In response to comments, the Applicant revised the Project to include contributions totaling \$321,500 in excess of standard development fees towards community benefits as follows: \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs within the Wiseburn School District; \$30,000 to the Wiseburn Library to incorporate and maintain extracurricular activities for children; and \$150,000 to establish a Neighborhood Benefits Fund, which may be used to address community concerns related to traffic, parking, neighborhood security, parks and recreation, and day care. The Reduced Density Alternative would not achieve these benefits.

SECTION 5.

FINDINGS REQUIRING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code and Section 15091(d) of the State CEQA Guidelines require that when a public agency is making the findings required by Section 21081 of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the public agency shall adopt a reporting or monitoring program for the changes to the Project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, and incorporated in the Residential Project's Conditional Use Permit, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6.

STATEMENT OF OVERRIDING CONSIDERATIONS

The FSEIR identified and discussed significant effects which will occur as a result of the Project. With the implementation of the mitigation measures discussed in the FSEIR, these effects can be mitigated to below levels of significance except for unavoidable significant impacts on traffic and circulation and air quality, as identified in Section 2 of these Findings.

Having reduced the effects of the Project by approving the Project with the adoption of conditions of approval and the mitigation measures identified in the FSEIR, and having considered the benefits of the Project against the Project's potential and unavoidable significant impacts, the Board hereby determines that the benefits of the Project outweigh the potential unavoidable significant impacts, and that the unavoidable significant impacts are nonetheless acceptable, based on the following overriding considerations:

1. The Project will increase housing opportunities that help meet projected needs in Del Aire by replacing existing Business Park entitlements with multi-family residential units.
2. The Project will assist in the attainment of basic County goals for the provision of increased housing opportunities.
3. The Project will create construction-related employment opportunities during construction of the Project. Permanent employment opportunities will also be created by the Project.
4. The Project will earn a reasonable return on investment for the County of Los Angeles Economic Development Corporation as the current landowner of the property.
5. The Project will contribute housing to the existing mixed uses within the Business Park and to enhance the total Business Park environment and experience.
6. The Project will create housing opportunities while minimizing trip generation and development impacts, and while locating parking facilities and pedestrian patterns in such a way as to enhance and complement Business Park development.
7. The Project will provide housing opportunities adjacent to a major employment center and local transit service, consistent with General Plan goals and policies.
8. The Project will make a contribution towards improving the jobs-housing balance within the County and the Del Aire community, by providing 430 residential units adjacent to employment opportunities.

9. The Project will develop an underutilized parcel of land to establish a more concentrated pattern of development, consistent with General Plan goals and policies.
10. The Project will encourage mixed land uses and housing within an urban infill area, consistent with General Plan goals and policies.
11. The County has worked with and considered the interests of surrounding property owners and has approved the Project with mitigation and conditions in such a way that protects the surrounding community. Specifically, the Applicant will be required to cooperate with County efforts to minimize on-street parking within the Del Aire neighborhood; the Applicant has offered to make a contribution of \$66,500 to the Wiseburn School District to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School; the Applicant has agreed to contribute \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs; the Applicant has agreed to contribute \$30,000 to a trust fund specifically and exclusively used by the Wiseburn Library to incorporate and maintain extracurricular activities for children; and the Applicant has agreed to contribute \$150,000 to establish a Neighborhood Benefits Fund, which may be expended to address traffic, parking, neighborhood security, parks and recreation, and day care needs identified by a committee comprised of neighborhood and community representatives.
12. For all of these reasons, on balance, the Board finds that there are specific economic, legal, social, technological, planning and other considerations associated with the Project that serve to override and outweigh the Project's unavoidable significant environmental effects and, thus, the adverse effects are considered acceptable.

SECTION 7.

SECTION 21081 FINDINGS

Based on the foregoing findings and the information contained in the record, the Board has made one or more of the following findings with respect to the significant effects of the Project:

- (a) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FSEIR.
- (b) Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- (c) Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FSEIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- (a) All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
- (b) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations (Section 6, above).

SECTION 8.

FINDING REGARDING INDEPENDENT JUDGMENT

Pursuant to Section 21082.1 of the Public Resources Code, the County finds that the FSEIR reflects the independent judgment of the County as the lead agency for the proposed Project.

SECTION 9.

LOCATION AND CUSTODIAN OF THE RECORD

Section 21081.6(a)(2) of the Public Resources Code and Section 15091(e) of the State CEQA Guidelines require that the public agency shall specify the location and custodian of the documents or other materials which constitute the record upon which its decision is based. Accordingly, the record and custodian of documents is located at the Los Angeles County Department of Regional Planning, 320 West Temple Street, 13th Floor, Los Angeles, California 90012.